



# Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Twenty-second Meeting Day

Wednesday Morning

February 21, 2007

The House convened at 10:00 a.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer."

The Speaker read a prayer for health and well-being (printed January 11, 2007).

The Pledge of Allegiance to the Flag was led by Representative Winfield C. Moses, Jr..

The Speaker ordered the roll of the House to be called:

Austin	Gutwein
Avery	E. Harris
Bardon	T. Harris
Battles	Herrell
Behning	Hinkle
Bell	Hoy
Bischoff	Kersey
Borders	Klinker
Borror	Knollman
Bosma	Koch
C. Brown	Kuzman
T. Brown	L. Lawson
Buck	Lehe
Buell	Leonard
Burton	Lutz
Candelaria Reardon	Mays
Cheatham	McClain
Cheney	Micon
Cherry	Moses
Cochran	Murphy
Crawford	Neese
Crooks	Niezgodski
Crouch	Noe ☐
Davis	Orentlicher
Day	Oxley
Dembowski	Pelath
Denbo	Pflum
Dermody	Pierce
Dickinson	Pond
Dobis	Porter
Dodge	Reske
Duncan	Richardson
Dvorak	Ripley
Eberhart	Robertson
Elrod	Ruppel
Espich	Saunders
Foley	M. Smith
Friend	V. Smith
Frizzell	Soliday
Fry	Stemler
GiaQuinta	Stevenson
Goodin	Stilwell
Grubb	Stutzman

Summers  
Thomas  
Thompson  
Tincher  
Torr  
Turner  
Tyler

Ulmer  
VanHaaften  
Walorski  
Welch  
Whetstone  
Wolkins  
Mr. Speaker

Roll Call 179: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 22, 2007, at 9:00 a.m.

NIEZGODSKI

Motion prevailed.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1065

Representative Micon called down Engrossed House Bill 1065 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 180: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Steele.

### Engrossed House Bill 1818

Representative V. Smith called down Engrossed House Bill 1818 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 181: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Rogers, S. Smith, Breau, and Howard.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

### Engrossed House Bill 1287

Representative Richardson called down Engrossed House Bill 1287 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Thompson was excused from voting, pursuant to House Rule 46. Roll Call 182: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Lanane.

#### **Engrossed House Bill 1299**

Representative Bischoff called down Engrossed House Bill 1299 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 183: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman, Weatherwax, and Lewis.

#### **Engrossed House Bill 1305**

Representative Cheatham called down Engrossed House Bill 1305 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 184: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lewis and Nugent.

Representative Kuzman was excused.

#### **Engrossed House Bill 1306**

Representative Cheatham called down Engrossed House Bill 1306 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 185: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators M. Young, Sipes, and Simpson.

#### **Engrossed House Bill 1312**

Representative Austin called down Engrossed House Bill 1312 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 186: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Lanane.

Representative Knollman was excused.

#### **Engrossed House Bill 1322**

Representative Crooks called down Engrossed House Bill 1322 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 187: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman, Hume, and Waterman.

#### **Engrossed House Bill 1337**

Representative C. Brown called down Engrossed House Bill 1337 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning tobacco violations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 188: yeas 43, nays 51. The bill was defeated.

#### **Engrossed House Bill 1357**

Representative Tincher called down Engrossed House Bill 1357 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 189: yeas 73, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Simpson.

#### **Engrossed House Bill 1358**

Representative Tincher called down Engrossed House Bill 1358 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 190: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Nugent, R. Young, Waterman, and Deig.

Representative Crawford was excused.

#### **Engrossed House Bill 1373**

Representative Stevenson called down Engrossed House Bill 1373 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 191: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele, Rogers, Landske, and Simpson.

**Engrossed House Bill 1376**

Representative Mays called down Engrossed House Bill 1376 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 192: yeas 86, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, Breaux, and Miller.

**Engrossed House Bill 1381**

Representative L. Lawson called down Engrossed House Bill 1381 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 193: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

**Engrossed House Bill 1384**

Representative L. Lawson called down Engrossed House Bill 1384 for third reading:

A BILL FOR AN ACT concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION  
(Amendment 1384-3)

Mr. Speaker: I move that Engrossed House Bill 1384 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 2, line 19, after "the" insert "**state police**".

Page 2, line 20, delete "of correction".

Page 2, line 22, delete "IC 11-8-2-14" and insert "**IC 10-11-2-32**".

Page 3, line 20, delete "IC 11-8-2-14" and insert "**IC 10-11-2-32**".

Page 3, line 22, delete "14." and insert "**32**".

Page 3, between lines 34 and 35, begin a new paragraph and insert:

**"(d) Data and information in the statewide criminal database are for law enforcement purposes only and cannot be disclosed to individuals who are not law enforcement officers or entities that are not law enforcement agencies.**

**(e) The department shall share information contained in the statewide criminal gang data base regarding gang affiliations and gang activity with any law enforcement agency that may benefit from the information."**

Page 3, line 35, delete "(d)" and insert "**(f)**".

Page 3, line 37, delete "(e)" and insert "**(g)**".

Page 4, line 28, after "facility," insert "**an**".

Page 4, line 28, after "insurer," insert "**a**".

Page 4, line 28, after "entity," insert "**an**".

Page 4, line 28, after "employer," insert "**a**".

Page 4, line 29, after "agency," insert "**a**".

Page 4, line 29, after "department," insert "**an**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1384 as printed February 14, 2007.)

L. LAWSON

There being a two-thirds vote in favor of the motion, the motion prevailed.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1384, begs leave to report that said bill has been amended as directed.

L. LAWSON

Report adopted.

The question then was, Shall the bill pass?

Roll Call 194: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray, Mrvan, and Landske.

Representatives Crawford and Kuzman, who had been excused, were present.

**Engrossed House Bill 1387**

Representative L. Lawson called down Engrossed House Bill 1387 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

On the motion of Representative Hoy, the previous question was called. Roll Call 195: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Steele.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 3:05 p.m. with the Speaker in the Chair.

Representative Knollman, who had been excused, was present.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 196: 95 present.

**RESOLUTIONS ON FIRST READING****House Concurrent Resolution 24**

Representative Bischoff introduced House Concurrent Resolution 24:

A CONCURRENT RESOLUTION recognizing the Knights of Columbus Monsignor William J. Kreis Council 1231 on the occasion of the 100th anniversary of its founding.

*Whereas, May 19, 2007, marks the 100th anniversary of the founding of the Knights of Columbus Monsignor William J. Kreis Council 1231;*

*Whereas, The Knights of Columbus began when Father Michael J. McGivney called a small group of men together in the basement of St. Mary's Church on Hillhouse Avenue in New Haven, Connecticut;*

*Whereas, The original founders of the Knights of Columbus "sought strength in solidarity, and security through unity of purpose and devotion to a holy cause: they vowed to be defenders of their country, their families and their faith";*

*Whereas, Father McGivney also envisioned that the Knights of Columbus would offer a life insurance program to provide for the widows and orphans of deceased members;*

*Whereas, Members of the Knights of Columbus Monsignor William J. Kreis Council 1231 are active members in their community, staunch supporters of their church and faith, and dedicated to protecting and enhancing their family life; and*

*Whereas, For hundreds of years, the members of the Knights of Columbus have worked to bring the joy of giving to others to its members; the Knights of Columbus Monsignor William J. Kreis Council 1231 continues the work of Father McGivney and continually strives to make their community a better place in which to live; Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Knights of Columbus Monsignor William J. Kreis Council 1231 on the occasion of the 100th anniversary of its founding and expresses our gratitude for the members' good works and dedication to their faith, their church, their family, and their community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Monsignor Joseph Kiser 100th Anniversary Committee.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Nugent.

With consent of the members, the Speaker returned to bills on second reading.

## HOUSE BILLS ON SECOND READING

### House Bill 1001

Representative Crawford called down House Bill 1001 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1001-23)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 17, between lines 20 and 21, begin a new line block indented and insert:

**"FOR THE STATE EMPLOYEES APPEALS COMMISSION".**

Page 49, between lines 35 and 36, begin a new line block indented and insert:

**"The Indiana higher education telecommunications system shall administer the I-Light 2-Black Fiber project."**

Page 50, between lines 35 and 36, begin a new line block indented and insert:

**"In addition to the above appropriation from the public mass transportation fund, the increase in the deposits to the public transportation fund resulting from the amendment of IC 6-2.5-10-1 by this act are appropriated for public mass transportation, total operating expenses in the year the additional amount is deposited. Any unencumbered amount remaining from this appropriation at the end of a state fiscal year remains available in subsequent state fiscal years for the purposes for which it is appropriated."**

Page 55, between lines 41 and 42, begin a new line blocked left and insert:

**"The auditor of state shall transfer thirty million dollars (\$30,000,000) from the Indiana Medicaid reserve account to the state general fund before July 1, 2008. The transferred amount shall be used to fund the above appropriations."**

Page 56, between lines 31 and 32, begin a new line and insert:

### "General Fund

**Total Operating Expense 2,500,000 2,500,000".**

Page 61, between lines 12 and 13, begin a new line block indented and insert:

**"The foregoing appropriations for C.H.O.I.C.E. In-Home Services do not revert to the state general fund or any other fund at the close of any state fiscal year but remain available for the purposes of C.H.O.I.C.E. In-Home Services in subsequent state fiscal years."**

Page 61, line 29, delete "\$233,000" and insert **"three hundred thirty-three thousand dollars (\$333,000)".**

Page 70, line 23, delete "26,825,043" and insert **"25,197,033".**

Page 70, delete line 33, begin a new line and insert:

**"Total Operating Expenses 18,206,917  
18,356,970".**

Page 71, delete line 4, begin a new line and insert:

**"Total Operating Expenses 1,562,954  
1,593,213".**

Page 71, delete line 6, begin a new line and insert:

**"Total Operating Expenses 1,441,882  
1,469,658".**

Page 71, delete line 8, begin a new line and insert:

**"Total Operating Expenses 2,027,273  
2,066,819".**

Page 71, delete line 14, begin a new line and insert:

**"Total Operating Expenses 1,521,769  
1,551,205".**

Page 71, delete line 16, begin a new line and insert:

**"Total Operating Expenses 1,804,667  
1,839,761".**

Page 71, line 26, delete "22,450,049" and insert **"20,670,754".**

Page 72, delete lines 11 through 12.

Page 72, line 18, delete "28,131,118" and insert **"23,416,118".**

Page 72, line 26, delete "88,962" and insert **"0".**

Page 73, delete line 14, begin a new line and insert:

**"Total Operating Expense 100,635 102,648**

### **NEW MANUFACTURING ECONOMY INITIATIVE**

**Total Operating Expense 5,000,000 5,000,000".**

Page 73, line 22, delete "11,706,740" and insert **"9,491,580".**

Page 73, between lines 24 and 25, begin a new line and insert:

### **"STEM EDUCATION PROGRAM**

**Total Operating Expense 500,000 1,250,000".**

Page 73, between lines 28 and 29, begin a new line and insert:

### **"ENTREPRENEURIAL COLLEGE**

**Total Operating Expense 0 1,000,000".**

Page 73, line 34, delete "6,375,082" and insert **"6,197,157".**

Page 73, line 38, delete "23,077,786" and insert **"19,768,389".**

Page 73, delete line 47, begin a new line and insert:

**"Total Operating Expense 4,827,208 4,972,024".**

Page 81, delete line 40, begin a new line and insert:

**"Total Operating Expense 2,165,635,334  
2,262,190,210".**

Page 81, line 47, delete "2005" and insert **"2007".**

Page 83, between lines 29 and 30, begin a new line block indented and insert:

**"The above appropriations shall be expended to implement full-day kindergarten programs on the following schedule:**

**(1) Beginning with the 2007-2008 school year, each school corporation shall offer a full-day kindergarten program for each kindergarten student who is eligible to receive a free or reduced price lunch under the national school lunch program.**

**(2) Beginning with the 2008-2009 school year, each school corporation with a percentage of students eligible to receive free or reduced price lunches that is higher than the statewide median percentage of students eligible to receive free or reduced price lunches, as determined by the department of education based upon the number of students in each school**

corporation who are eligible to receive free or reduced price lunches under the national school lunch program during the 2006-2007 school year, shall offer a program for all kindergarten students.

(3) Beginning with the 2009-2010 school year, each school corporation shall offer a program to all kindergarten students.

The above appropriations may not be used to provide full-day kindergarten in charter schools. To provide full-day kindergarten programs, a school corporation that determines there is inadequate space to offer a program in the school corporation's existing facilities may offer the program in any suitable space located within the geographic boundaries of the school corporation. A full-day kindergarten program offered by a school corporation must meet the academic standards and other requirements of IC 20."

Page 87, line 45, after "balances" insert "and".

Page 87, line 47, delete "the costs incurred by each county for child services".

Page 87, line 48, delete "(as defined in IC 12-19-7-1)".

Page 88, line 6, after "costs" insert "payable from property taxes (including cash balances and the proceeds of bonds or loans payable from property taxes)".

Page 88, delete lines 8 through 9.

Page 88, line 10, delete "(as defined in IC 12-19-7-1)".

Page 88, line 14, after "costs" insert "payable from property taxes (including cash balances and the proceeds of bonds or loans payable from property taxes)".

Page 88, delete line 16.

Page 88, between lines 41 and 42, begin a new line block indented and insert:

"Notwithstanding any other law, except as specifically authorized in a law enacted by the general assembly after February 20, 2007, no officer or agency of the state, including the property tax replacement fund board, may make a distribution of money to political subdivisions to replace revenue lost from the granting of homestead credits under IC 6-1.1-20.9 and property tax replacement credits under IC 6-1.1-21-5 on any schedule other than the schedule specified in IC 6-1.1-21-10."

Page 94, line 8, delete "." and insert "and other projects as specified."

Page 99, between lines 38 and 39, being a new line block indented and insert:

#### **"G. OTHER PROJECTS**

##### **MARTIN COUNTY 4-H BOARD**

##### **Build Indiana Fund (IC 4-30-17)**

Martin County Community Building 39,490

The above appropriation shall be paid from funds remaining after the transfers required under IC 4-30-17-3.5.

##### **DEPARTMENT OF NATURAL RESOURCES**

##### **Build Indiana Fund (IC 4-30-17)**

Lake Shafer & Lake Freeman Dredging 850,000

The above appropriation shall be paid from funds remaining after the transfers required under IC 4-30-17-3.5.

##### **DEPARTMENT OF CORRECTION**

##### **Postwar Construction Fund (IC 7.1-4-8-1)**

Rockville Sewer Upgrade Serving the  
Rockville Correctional Facility 1,000,000".

Page 119, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 51. IC 6-1.1-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 9. (a) Except as provided in subsection (b) of this section, all property otherwise subject to assessment under this article shall be assessed in the usual manner, whether or not it is exempt from taxation.

(b) Except as provided in IC 6-1.1-21.3-5, no assessment shall be made of property which is owned by the government of the United States, this state, an agency of this state, or a political

subdivision of this state if the property is used, and in the case of real property occupied, by the owner."

Page 121, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 54. IC 6-1.1-21.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:

#### **Chapter 21.3. Payments in Lieu of Property Taxes**

Sec. 1. As used in this chapter, "department" refers to the department of natural resources.

Sec. 2. As used in this chapter, "PILOT" refers to a payment in lieu of property taxes.

Sec. 3. A county is entitled to a PILOT from the department for land in the county that is:

(1) owned or leased by the department on March 1 of the previous year; and

(2) exempt from the payment of property taxes.

Sec. 4. The department shall make a PILOT to each county that is entitled to receive a PILOT under section 3 of this chapter at the time the PILOT is due under section 7 of this chapter.

Sec. 5. (a) The township assessors shall assess the land described in section 3 of this chapter as though the land were not exempt from the payment of property taxes.

(b) The PILOT required to be paid for a year under section 4 of this chapter for land described in section 3 of this chapter, regardless of how the land is used, equals the product of:

(1) the assessed valuation of the land determined under subsection (a); and

(2) the net property tax rate (after application of the property tax replacement credit) in the taxing district in which the land is located for property taxes payable in the year in which the PILOT is payable.

Sec. 6. (a) Not later than September 1 of each year, the auditor of state shall provide the township assessor of each township in which land described in section 3 of this chapter is located with a report of:

(1) the number of acres of land described in section 3 of this chapter that are located in the township;

(2) the parcel numbers or key numbers of the land referred to in subdivision (1); and

(3) any other information required by the department of local government finance.

(b) The auditor of state shall provide the report required by subsection (a):

(1) on a form prescribed by the department of local government finance; or

(2) with the consent of the department of local government finance, in an electronic format.

#### **Sec. 7. A PILOT:**

(1) is billed;

(2) is due;

(3) bears interest if unpaid; and

(4) is distributed to a political subdivision in a county; in the same manner as ad valorem property taxes. A PILOT is otherwise treated in the same manner as an ad valorem property tax for purposes of the procedural and substantive provisions of law.

#### **Sec. 8. The department of local government finance:**

(1) shall prescribe a form for the report required under section 6 of this chapter; and

(2) may adopt standards for the reporting of information under section 6 of this chapter that are necessary to assist:

(A) townships;

(B) counties; and

(C) conservancy districts;

with the implementation of this chapter.

#### **Sec. 9. (a) The PILOT transfer fund is established to**

provide money for the distributions for PILOTS made by the department under section 4 of this chapter. The auditor of state shall administer the fund.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

**Sec. 10.** There is annually appropriated from the state general fund to the PILOT transfer fund established by section 9 of this chapter the amount necessary to make the distributions required by this chapter.

**Sec. 11.** There is continuously appropriated from the PILOT transfer fund established by section 9 of this chapter an amount necessary to make the distributions required by this chapter."

Page 123, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 60. IC 6-8-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 12. Eligible Event; Exemption from Taxation**

**Sec. 1.** As used in this chapter, "eligible entity" means the following:

- (1) A nonprofit trade association under Section 501(c)(6) of the Internal Revenue Code known as the National Football League.
- (2) Any corporation, partnership, limited liability company, or other entity owned or controlled by the entity described in subdivision (1).
- (3) Any member club of the entity described in subdivision (1).
- (4) Any nonprofit charitable organization affiliated with the entity described in subdivision (1).

**Sec. 2.** As used in this chapter, "eligible event" means an event known as the Super Bowl that is conducted by the entity described in section 1(1) of this chapter.

**Sec. 3.** All property owned by an eligible entity, revenues of an eligible entity, and expenditures and transactions of an eligible entity:

- (1) in connection with an eligible event; and
- (2) resulting from holding an eligible event in Indiana or making preparatory advance visits to Indiana in connection with an eligible event;

are exempt from taxation in Indiana for all purposes.

**Sec. 4.** The excise tax under IC 6-9-13 does not apply to an eligible event."

Page 124, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 62. IC 10-11-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) The board shall categorize salaries of motor carrier inspectors within each rank based upon the rank held and the number of years of service in the department through the tenth year. The salary ranges the board assigns to each rank shall be divided into a base salary and ten (10) increments above the base salary, with:

- (1) the base salary in the rank paid to a person with less than one (1) year of service in the department; and
- (2) the highest salary in the rank paid to a person with at least ten (10) years of service in the department.

(b) For purposes of creating the salary matrix prescribed by this section, the board may not approve salary ranges for any rank that are less than the salary ranges effective for that rank on January 1, 1995.

(c) The salary matrix prescribed by this section:

- (1) shall be reviewed and approved by the budget agency before implementation; and
- (2) must include the job classifications of district

coordinator and motor carrier zone coordinator.

(d) The money needed to fund the salaries resulting from the matrix prescribed by this section must come from the appropriation from the professional and technical equity fund."

Page 125, line 11, delete "on" and insert "related to treatment and cure of".

Page 125, line 11, after "injuries" delete "related to the" and insert ", including".

Page 125, line 11, after "management" delete "and" and insert ",".

Page 125, line 12, delete "of spinal cord and head injuries and research related to" and insert ", rehabilitative techniques, and".

Page 126, line 8, delete "." and insert "under this chapter."

Page 126, line 9, delete "." and insert "under this chapter."

Page 126, line 12, after "chapter." insert "For purposes of this subdivision the board may establish an independent scientific advisory panel composed of scientists and clinicians who are not members of the board to review proposals submitted to the board and make recommendations to the board. Collaborations are encouraged with other Indiana-based researchers as well as researchers located outside Indiana, including researchers in other countries."

Page 131, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 82. IC 20-20-35 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 35. Prekindergarten Grant Pilot Program**

**Sec. 1.** As used in this chapter, "eligible provider" means any of the following:

- (1) School corporations.
- (2) Any entity providing a prekindergarten program that is accredited by the National Association for the Education of Young Children.

However, the term does not include a charter school or an entity affiliated with a charter school.

**Sec. 2.** As used in this chapter, "pilot program" refers to the pilot program established under section 3 of this chapter.

**Sec. 3. (a)** The department shall establish a pilot program to provide grants to eligible providers selected by the department to implement prekindergarten programs.

(b) The department shall administer the pilot program.

**Sec. 4. (a)** To be eligible for selection as a pilot program grant recipient, an eligible provider must do the following:

- (1) Apply to the department for a grant, on forms provided by the department, and include a detailed description of the eligible provider's proposed prekindergarten program. The description must include at least the following information:

(A) An estimate of the number of students likely to participate.

(B) A description of the prekindergarten curriculum that will be instituted by the eligible provider. The prekindergarten curriculum must be consistent with the Foundations to the Indiana Academic Standards for Young Children (or successor standards adopted by the department of education).

(C) A description of how the curriculum of the proposed prekindergarten program aligns with existing programs and standards for students in kindergarten through grade 3.

(D) An estimate of the cost of implementing the prekindergarten program.

(2) Demonstrate a commitment by teachers, parents, and school administrators toward carrying out the proposed prekindergarten program.

(3) Comply with any other requirements set forth by the department.

(b) Subject to section 6 of this chapter, after review of the

applications submitted under this section, the department shall do the following:

- (1) Select the eligible providers that will participate in the pilot program.
- (2) Provide grants to the eligible providers selected to participate in the pilot program.

(c) The education roundtable shall provide recommendations to the department concerning the criteria to be used by the department in selecting the eligible providers that will participate in the pilot program.

(d) The criteria to be used by the department in selecting the eligible providers that will participate in the pilot program must do the following:

- (1) Include at least an evaluation of the following:
  - (A) The information submitted by the eligible provider under subsection (a).
  - (B) The coordination of the proposed prekindergarten program with local health services and social services.
- (2) Take into consideration the requirements of section 6 of this chapter.

Sec. 5. A prekindergarten program that is part of the pilot program and is funded by a grant under this chapter:

- (1) may serve only prekindergarten students who are at least four (4) years of age on September 1 of the school year; and
- (2) may be a half-day or full-day program.

Sec. 6. The department shall:

- (1) select a representative sample of eligible providers, determined through an application procedure, to participate in the pilot program;
- (2) give priority to the selection of:
  - (A) lower performing school corporations; and
  - (B) private providers of prekindergarten programs located in areas served by lower performing school corporations; and
- (3) to the extent possible, select eligible providers so that the pilot program will:
  - (A) achieve a geographic balance throughout Indiana;
  - (B) include urban, suburban, and rural eligible providers; and
  - (C) include both public eligible providers and private eligible providers.

Sec. 7. Subject to the approval of the department, an eligible provider participating in the pilot program may enter into a contract with an individual or a nonprofit entity for the operation and management of all or any part of a prekindergarten program funded by a grant under this chapter.

Sec. 8. Unexpended money appropriated to the department for the department's use in implementing the pilot program at the end of a state fiscal year does not revert to the state general fund but remains available to the department for the department's continued use under this chapter.

Sec. 9. The department shall adopt rules under IC 4-22-2 to implement this chapter. The rules must include the following:

- (1) Minimum requirements concerning the prekindergarten curriculum that must be used by an eligible provider participating in the pilot program. The prekindergarten curriculum must be consistent with the Foundations to the Indiana Academic Standards for Young Children (or successor standards adopted by the department of education).
- (2) The maximum class size of a prekindergarten program funded by a grant under this chapter.
- (3) A requirement that each class in a prekindergarten program funded by a grant under this chapter must be

taught by a teacher who has any of the following:

- (A) A prekindergarten teacher's license.
- (B) An early childhood education teacher's license.
- (C) A degree in early childhood education, child development, elementary education, or early childhood special education.

Sec. 10. (a) Each eligible provider that participates in the pilot program shall annually prepare a written report detailing all the pertinent information concerning the implementation of the pilot program, including any recommendations made and conclusions drawn from the pilot program. The eligible provider must submit the report to the department before July 1 of each year.

(b) Before November 1 of each year, the department shall submit a report to the governor and the general assembly on the pilot program. The report must include the following:

- (1) Any conclusions and recommendations made by the department concerning prekindergarten programs.
- (2) Information concerning the cost of expanding the pilot program statewide.
- (3) A description of any social programs or health programs that could be provided efficiently with prekindergarten programs.

A report submitted under this subsection to the general assembly must be in an electronic format under IC 5-14-6.

(c) The department shall monitor the performance of students who participate in the pilot program as those students continue their education in elementary school.

Sec. 11. This chapter expires July 1, 2014.

SECTION 83. IC 20-23-14.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 14.5. Election of Governing Body Members in Mishawaka

Sec. 1. In a school city established under IC 20-23-4 located in a city having a population of more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000), if a majority of the voters voting in the municipal election held on November 6, 2007, vote in favor of an elected school board, the governing body consists of a board of trustees of seven (7) members elected in the manner provided in this chapter.

Sec. 2. (a) For purposes of this section, a reference to a common council district of the city is a reference to the district as it existed on January 1, 2007.

(b) The city is divided into the following three (3) districts:

- (1) District One consists of the first district of the common council and the second district of the common council.
- (2) District Two consists of the third district of the common council and the fourth district of the common council.
- (3) District Three consists of the fifth district of the common council and the sixth district of the common council.

Sec. 3. As used in this chapter, "district" refers to a district of the governing body established by section 2(b) of this chapter.

Sec. 4. Beginning with the general election held in November 2008, and every four (4) years thereafter, three (3) members of the governing body shall be elected by voters of the districts as provided in this chapter. The candidate who receives the greatest number of votes among all candidates for a district seat is elected.

Sec. 5. (a) Beginning with the general election held in November 2008, and every four (4) years thereafter, one (1) member of the governing body shall be elected by all the voters of the school city as provided in this chapter. The candidate who receives the greatest number of votes among all candidates for an at-large seat is elected.

(b) Beginning with the general election held in November 2010, and every four (4) years thereafter, three (3) members of the governing body shall be elected by all the voters of the school city as provided in this chapter. The three (3) candidates who receive the greatest number of votes among all candidates for an at-large seat are elected.

Sec. 6. Except as provided in this chapter, IC 3 applies to an election held under this chapter.

Sec. 7. The circuit court clerk shall prepare a separate ballot to be used for governing body elections. Candidates shall appear on the ballot in alphabetical order.

Sec. 8. (a) The term of a member of the governing body is four (4) years, beginning on January 1 following the member's election.

(b) A member may be reelected."

Page 137, line 24, strike "SEVEN" and insert "TWO".

Page 137, lines 31, strike "The data to be used in making the calculations under STEP ONE".

Page 137, line 32, strike "must be the data from the 2000 federal decennial census."

Page 139, line 3, delete "greater" and insert "less".

Page 157, line 41, after "transfer." insert "Notwithstanding any other law, no transfer to the counter-cyclical revenue and economic stabilization fund from any other fund may be made before July 1, 2009."

Page 157, line 42, strike "2007." and insert "2009."

Page 161, line 40, delete "Indiana arts commission" and insert "department of natural resources and the department of agriculture".

Page 162, line 35, delete "(\$2,250,000)" and insert "(\$1,250,000) for the biennium".

Page 163, line 13, delete "\$19,000,000" and insert "\$27,000,000".

Page 163, between lines 19 and 20, begin a new line and insert:

"Indiana State University - Life Sciences/Chemistry Laboratory Renovations	14,800,000
Ball State University-Central Campus Academic Project	30,000,000".

Page 164, line 7, after "public." insert "The foregoing project is eligible for fee replacement appropriations beginning after June 30, 2009."

Page 165, line 9, after "that" insert "are part of the total county tax levy (as defined in IC 6-1.1-21-2) and".

Page 165, line 9, after "2008" insert "and 2009".

Page 165, line 10, delete "." and insert "for the particular year."

Page 165, line 11, after "2008," insert "and March 1, 2009,".

Page 165, line 12, after "a county" insert "fifty percent (50%) of".

Page 165, line 24, delete "2007." and insert "2008."

Page 166, between lines 1 and 2, begin a new paragraph and insert:

SECTION 172. [EFFECTIVE UPON PASSAGE] (a) A payment in lieu of taxes is first due under IC 6-1.1-21.3, as added by this act, on May 1, 2008.

(b) In cooperation with the auditor of state, the department of local government finance shall, not later than August 1, 2007, prescribe a form for the auditor of state to report the information needed to carry out IC 6-1.1-21.3-6, as added by this act.

(c) This SECTION expires January 1, 2009.

SECTION 173. [EFFECTIVE JULY 1, 2007] (a) This SECTION applies only if a majority of the voters voting in the municipal election referred to in IC 20-23-14.5-1, as added by this act, vote in favor of an elected school board.

(b) As used in this SECTION, "governing body" refers to the governing body of the school city.

(c) As used in this SECTION, "school city" refers to a

school city described in IC 20-23-14.5-1, as added by this act.

(d) Notwithstanding any other law, the term of a member of the governing body serving on June 30, 2008, expires January 1, 2009.

(e) Notwithstanding 20-23-14.5-5, as added by this act, all at-large members of the governing body shall be elected at the November 2008 general election. Notwithstanding IC 20-23-14.5-8, as added by this act, the term of each of the three (3) at-large members of the governing body elected who receive the fewest number of votes among the at-large members elected expires January 1, 2011. The successors of these members shall be elected at the November 2010 general election and serve a four (4) year term as provided in IC 20-23-14.5-8, as added by this act.

(f) This SECTION expires January 1, 2015.

SECTION 174. [EFFECTIVE JULY 1, 2007] (a) The circuit court clerk of St. Joseph County shall cause the following public question to be placed on the ballot in the school city of Mishawaka at the municipal election held on November 6, 2007:

"Shall the board of trustees of the school city of Mishawaka be elected, beginning with the November 6, 2008, general election?".

(b) IC 3 governs this SECTION.

(c) This SECTION expires January 1, 2009.

SECTION. 175. [EFFECTIVE JULY 1, 2007] (a) The purpose of this SECTION is to eliminate the accrued payment delay balances to state educational institutions and IHETS and the Indiana commission for higher education that were created because of the distribution of eleven-twelfths (11/12) of the budgeted amount in the state fiscal year ending June 30, 2002, and a continuation of the practice of delayed payments in subsequent state fiscal years through the state fiscal year ending June 30, 2005.

(b) The following definitions apply throughout this section:

(1) "IHETS" refers to the Indiana higher education telecommunications system.

(2) "State educational institution" has the meaning set forth in IC 20-12-0.5-1.

(c) There is appropriated to the budget agency sixty-two million, fifty-six thousand, eight hundred fifty-four dollars (\$62,056,854) from the state general fund for its use for general repair and rehabilitation or for repair and rehabilitation of dormitories or other student housing of state educational institutions, beginning July 1, 2007, and ending June 30, 2009 as follows:

INDIANA UNIVERSITY - TOTAL SYSTEM	
General Repair and Rehab	24,343,840
PURDUE UNIVERSITY - TOTAL SYSTEM	
General Repair and Rehab	17,189,072
INDIANA STATE UNIVERSITY	
General Repair and Rehab	4,304,740
UNIVERSITY OF SOUTHERN INDIANA	
General Repair and Rehab	1,612,030
BALL STATE UNIVERSITY	
General Repair and Rehab	6,678,810
VINCENNES UNIVERSITY	
General Repair and Rehab	1,804,222
IVY TECH COMMUNITY COLLEGE	
General Repair and Rehab	6,124,142

(d) Notwithstanding P.L.246-2005, SECTION 32, the budget agency shall distribute to a state educational institution after June 30, 2007, and before July 1, 2009, the amount appropriated to the state educational institution under subsection (c). The distributions under subsection (c) shall be made as follows:

(1) Fifty percent (50%) of the distributions shall be made in one (1) or more installments after June 30, 2007, and before July 1, 2008, on the schedule



determined by the budget agency after review of the schedule by the budget committee.

(2) Fifty percent (50%) of the distributions shall be made in one (1) or more installments after June 30, 2008, and before July 1, 2009, on the schedule determined by the budget agency after review of the schedule by the budget committee.

(3) Each distribution shall be separately allotted.

(e) An appropriation under subsection (c) is in addition to the appropriations for general repair and rehabilitation made in P.L.246-2005, SECTION 32, or any other law. Notwithstanding any other law, an appropriation under subsection (c) does not revert to the general fund under IC 4-13-2-19.

(f) The amount appropriated under subsection (c), when distributed to a state educational institution, shall be treated as reducing any claim that the total system of the state educational institution has to one-twelfth (1/12) of the amount budgeted for the state educational institution in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005. Subject to subsection (g), the amount of the claim reduction for each state educational institution is equal to the amount distributed to the state educational institution. The amount of the claim reduction for the entire system, and the amount apportioned for each institution individually, shall be computed by the budget agency. The budget agency makes the final determination.

(g) An amount appropriated under subsection (c), when distributed to Indiana University, shall be treated as reducing any claim that IHETS has to one-twelfth (1/12) of the amount budgeted for IHETS in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005. The amount of the claim reduction is a part of the amount distributed to Indiana University - Total System apportioned as determined by the budget agency.

(h) Amounts appropriated under subsection (c) shall be treated as reducing any claim to zero dollars (\$0) that the Indiana commission for higher education has to one-twelfth (1/12) of the amount budgeted for the Indiana commission for higher education in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005.

SECTION 176. [EFFECTIVE JULY 1, 2007] There is appropriated from the state general fund to Ivy Tech Community College one million six hundred thousand dollars (\$1,600,000) for the purpose of making lease payments for the Portage Campus beginning July 1, 2008, and ending June 30, 2009. Any unencumbered amount from the appropriation under this SECTION remaining at the end of a state fiscal year does not revert to the state general fund but remains available for the purposes of the appropriation in subsequent state fiscal years."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2007.)

CRAWFORD

Representative Koch rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1001 bills pending before the House. The Speaker ruled the point was not well taken.

#### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Crawford's amendment to House Bill 1001 (1001-23) does not violate House Rule 118. The amendment addresses four bills pending before the General Assembly.

Beginning at page 5, line 11 of the amendment, language is added regarding a program known as "PILOT," or payment in lieu of property taxes. This language is the exact language in Representative Oxley House Bill 1624.

Beginning at page 7, line 36 of the amendment, language is

added which is very similar to Representative Ruppel's House Bill 1400 regarding the motor carrier inspector salary matrix.

Beginning at page 8, line 36 of the amendment, language is added which is very similar to Representative Day's House Bill 1343 regarding a pre-kindergarten grant pilot program.

Beginning at page 11, line 47 of the amendment, language is added which is very similar to Representative Fry's House Bill 1574 regarding the Mishawaka school board.

Because the four sections of the amendment listed above are substantially similar to House Bills 1624, 1400, 1343, and 1574, we hereby appeal the Chair's ruling that Representative Crawford's motion to amend 1001 is in order and does not violate House Rule 118.

WHETSTONE  
KOCH

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

The question was, Shall the ruling of the Chair be sustained? Roll Call 197: yeas 49, nays 48. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

#### HOUSE MOTION

Mr. Speaker: Pursuant to Rule 81, I move that the question be divided on the amendment to House Bill 1001 (1001-23). The amendment contains two distinct questions:

SECTION 2 of the amendment deals with payments in lieu of property taxes, while the remainder of the amendment addresses various other matters that are completely unrelated to SECTION 2. These questions are clearly divisible pursuant to Rule 81. Each question should be considered by the House separately.

WHETSTONE

After discussion, Representative Crawford withdrew motion 23.

#### HOUSE MOTION (Amendment 1001-24)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 17, between lines 20 and 21, begin a new line block indented and insert:

**"FOR THE STATE EMPLOYEES APPEALS COMMISSION".**

Page 49, between lines 35 and 36, begin a new line block indented and insert:

**"The Indiana higher education telecommunications system shall administer the I-Light 2-Black Fiber project."**

Page 50, between lines 35 and 36, begin a new line block indented and insert:

**"In addition to the above appropriation from the public mass transportation fund, the increase in the deposits to the public transportation fund resulting from the amendment of IC 6-2.5-10-1 by this act are appropriated for public mass transportation, total operating expenses in the year the additional amount is deposited. Any unencumbered amount remaining from this appropriation at the end of a state fiscal year remains available in subsequent state fiscal years for the purposes for which it is appropriated."**

Page 55, between lines 41 and 42, begin a new line blocked left and insert:

**"The auditor of state shall transfer thirty million dollars (\$30,000,000) from the Indiana Medicaid reserve account to the state general fund before July 1, 2008. The transferred amount shall be used to fund the above appropriations."**

Page 56, between lines 31 and 32, begin a new line and insert:

**"General Fund**

**Total Operating Expense 2,500,000 2,500,000".**

Page 61, between lines 12 and 13, begin a new line block indented and insert:

**"The foregoing appropriations for C.H.O.I.C.E. In-Home Services do not revert to the state general fund or any other fund at the close of any state fiscal year but remain available for the purposes of C.H.O.I.C.E. In-Home Services in subsequent state fiscal years."**

Page 61, line 29, delete "\$233,000" and insert **"three hundred thirty-three thousand dollars (\$333,000)".**

Page 70, line 23, delete "26,825,043" and insert **"25,197,033".**

Page 70, delete line 33, begin a new line and insert:

**"Total Operating Expenses 18,206,917 18,356,970".**

Page 71, delete line 4, begin a new line and insert:

**"Total Operating Expenses 1,562,954 1,593,213".**

Page 71, delete line 6, begin a new line and insert:

**"Total Operating Expenses 1,441,882 1,469,658".**

Page 71, delete line 8, begin a new line and insert:

**"Total Operating Expenses 2,027,273 2,066,819".**

Page 71, delete line 14, begin a new line and insert:

**"Total Operating Expenses 1,521,769 1,551,205".**

Page 71, delete line 16, begin a new line and insert:

**"Total Operating Expenses 1,804,667 1,839,761".**

Page 71, line 26, delete "22,450,049" and insert **"20,670,754".**

Page 72, delete lines 11 through 12.

Page 72, line 18, delete "28,131,118" and insert **"23,416,118".**

Page 72, line 26, delete "88,962" and insert **"0".**

Page 73, delete line 14, begin a new line and insert:

**"Total Operating Expense 100,635 102,648**

**NEW MANUFACTURING ECONOMY INITIATIVE**

**Total Operating Expense 5,000,000 5,000,000".**

Page 73, line 22, delete "11,706,740" and insert **"9,491,580".**

Page 73, between lines 24 and 25, begin a new line and insert:

**"STEM EDUCATION PROGRAM**

**Total Operating Expense 500,000 1,250,000".**

Page 73, between lines 28 and 29, begin a new line and insert:

**"ENTREPRENEURIAL COLLEGE**

**Total Operating Expense 0 1,000,000".**

Page 73, line 34, delete "6,375,082" and insert **"6,197,157".**

Page 73, line 38, delete "23,077,786" and insert **"19,768,389".**

Page 73, delete line 47, begin a new line and insert:

**"Total Operating Expense 4,827,208 4,972,024".**

Page 81, delete line 40, begin a new line and insert:

**"Total Operating Expense 2,165,635,334 2,262,190,210".**

Page 81, line 47, delete "2005" and insert **"2007".**

Page 83, between lines 29 and 30, begin a new line block indented and insert:

**"The above appropriations shall be expended to implement full-day kindergarten programs on the following schedule:**

**(1) Beginning with the 2007-2008 school year, each school corporation shall offer a full-day kindergarten program for each kindergarten student who is eligible to receive a free or reduced price lunch under the national school lunch program.**

**(2) Beginning with the 2008-2009 school year, each school corporation with a percentage of students eligible to receive free or reduced price lunches that is higher than the statewide median percentage of students eligible to receive free or reduced price lunches, as determined by the department of education based upon the number of students in each school**

**corporation who are eligible to receive free or reduced price lunches under the national school lunch program during the 2006-2007 school year, shall offer a program for all kindergarten students.**

**(3) Beginning with the 2009-2010 school year, each school corporation shall offer a program to all kindergarten students.**

The above appropriations may not be used to provide full-day kindergarten in charter schools. To provide full day kindergarten programs, a school corporation that determines there is inadequate space to offer a program in the school corporation's existing facilities may offer the program in any suitable space located within the geographic boundaries of the school corporation. A full day kindergarten program offered by a school corporation must meet the academic standards and other requirements of IC 20."

Page 87, line 45, after "balances" insert **"and".**

Page 87, line 47, delete "the costs incurred by each county for child services".

Page 87, line 48, delete "(as defined in IC 12-19-7-1)".

Page 88, line 6, after "costs" insert **"payable from property taxes (including cash balances and the proceeds of bonds or loans payable from property taxes)".**

Page 88, delete lines 8 through 9.

Page 88, line 10, delete "(as defined in IC 12-19-7-1)".

Page 88, line 14, after "costs" insert **"payable from property taxes (including cash balances and the proceeds of bonds or loans payable from property taxes)".**

Page 88, delete line 16.

Page 88, between lines 41 and 42, begin a new line block indented and insert:

**"Notwithstanding any other law, except as specifically authorized in a law enacted by the general assembly after February 20, 2007, no officer or agency of the state, including the property tax replacement fund board, may make a distribution of money to political subdivisions to replace revenue lost from the granting of homestead credits under IC 6-1.1-20.9 and property tax replacement credits under IC 6-1.1-21-5 on any schedule other than the schedule specified in IC 6-1.1-21-10."**

Page 94, line 8, delete "." and insert **"and other projects as specified."**

Page 99, between lines 38 and 39, being a new line block indented and insert:

**"G. OTHER PROJECTS****MARTIN COUNTY 4-H BOARD****Build Indiana Fund (IC 4-30-17)**

**Martin County Community Building 39,490**

The above appropriation shall be paid from funds remaining after the transfers required under IC 4-30-17-3.5.

**DEPARTMENT OF NATURAL RESOURCES****Build Indiana Fund (IC 4-30-17)**

**Lake Shafer & Lake Freeman Dredging 850,000**

The above appropriation shall be paid from funds remaining after the transfers required under IC 4-30-17-3.5.

**DEPARTMENT OF CORRECTION****Postwar Construction Fund (IC 7.1-4-8-1)**

**Rockville Sewer Upgrade Serving the Rockville Correctional Facility 1,000,000".**

Page 123, between lines 41 and 42, begin a new paragraph and insert:

**"SECTION 58. IC 6-8-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:**

**Chapter 12. Eligible Event; Exemption from Taxation**

**Sec. 1. As used in this chapter, "eligible entity" means the following:**

**(1) A not-for-profit trade association under Section 501(c)(6) of the Internal Revenue Code known as the National Football League.**

(2) Any corporation, partnership, limited liability company, or other entity owned or controlled by the entity described in subdivision (1).

(3) Any member club of the entity described in subdivision (1).

(4) Any not-for-profit charitable organization affiliated with the entity described in subdivision (1).

Sec. 2. As used in this chapter, "eligible event" means an event known as the Super Bowl that is conducted by the entity described in section 1(1) of this chapter.

Sec. 3. All property owned by an eligible entity, revenues of an eligible entity, and expenditures and transactions of an eligible entity:

(1) in connection with an eligible event; and

(2) resulting from holding an eligible event in Indiana or making preparatory advance visits to Indiana in connection with an eligible event;

are exempt from taxation in Indiana for all purposes.

Sec. 4. The excise tax under IC 6-9-13 does not apply to an eligible event."

Page 124, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 60. IC 10-11-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) The board shall categorize salaries of motor carrier inspectors within each rank based upon the rank held and the number of years of service in the department through the tenth year. The salary ranges the board assigns to each rank shall be divided into a base salary and ten (10) increments above the base salary, with:

(1) the base salary in the rank paid to a person with less than one (1) year of service in the department; and

(2) the highest salary in the rank paid to a person with at least ten (10) years of service in the department.

(b) For purposes of creating the salary matrix prescribed by this section, the board may not approve salary ranges for any rank that are less than the salary ranges effective for that rank on January 1, 1995.

(c) The salary matrix prescribed by this section:

(1) shall be reviewed and approved by the budget agency before implementation; and

(2) must include the job classifications of district coordinator and motor carrier zone coordinator.

(d) The money needed to fund the salaries resulting from the matrix prescribed by this section must come from the appropriation from the professional and technical equity fund."

Page 125, line 11, delete "on" and insert "related to treatment and cure of".

Page 125, line 11, after "injuries" delete "related to the" and insert ", including".

Page 125, line 11, after "management" delete "and" and insert ",

Page 125, line 12, delete "of spinal cord and head injuries and research related to" and insert ", rehabilitative techniques, and".

Page 126, line 8, delete "." and insert "under this chapter."

Page 126, line 9, delete "." and insert "under this chapter."

Page 126, line 12, after "chapter." insert "For purposes of this subdivision the board may establish an independent scientific advisory panel composed of scientists and clinicians who are not members of the board to review proposals submitted to the board and make recommendations to the board. Collaborations are encouraged with other Indiana-based researchers as well as researchers located outside Indiana, including researchers in other countries."

Page 131, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 80. IC 20-20-35 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

## Chapter 35. Prekindergarten Grant Pilot Program

Sec. 1. As used in this chapter, "eligible provider" means any of the following:

(1) School corporations.

(2) Any entity providing a prekindergarten program that is accredited by the National Association for the Education of Young Children.

However, the term does not include a charter school or an entity affiliated with a charter school.

Sec. 2. As used in this chapter, "pilot program" refers to the pilot program established under section 3 of this chapter.

Sec. 3. (a) The department shall establish a pilot program to provide grants to eligible providers selected by the department to implement prekindergarten programs.

(b) The department shall administer the pilot program.

Sec. 4. (a) To be eligible for selection as a pilot program grant recipient, an eligible provider must do the following:

(1) Apply to the department for a grant, on forms provided by the department, and include a detailed description of the eligible provider's proposed prekindergarten program. The description must include at least the following information:

(A) An estimate of the number of students likely to participate.

(B) A description of the prekindergarten curriculum that will be instituted by the eligible provider. The prekindergarten curriculum must be consistent with the Foundations to the Indiana Academic Standards for Young Children (or successor standards adopted by the department of education).

(C) A description of how the curriculum of the proposed prekindergarten program aligns with existing programs and standards for students in kindergarten through grade 3.

(D) An estimate of the cost of implementing the prekindergarten program.

(2) Demonstrate a commitment by teachers, parents, and school administrators toward carrying out the proposed prekindergarten program.

(3) Comply with any other requirements set forth by the department.

(b) Subject to section 6 of this chapter, after review of the applications submitted under this section, the department shall do the following:

(1) Select the eligible providers that will participate in the pilot program.

(2) Provide grants to the eligible providers selected to participate in the pilot program.

(c) The education roundtable shall provide recommendations to the department concerning the criteria to be used by the department in selecting the eligible providers that will participate in the pilot program.

(d) The criteria to be used by the department in selecting the eligible providers that will participate in the pilot program must do the following:

(1) Include at least an evaluation of the following:

(A) The information submitted by the eligible provider under subsection (a).

(B) The coordination of the proposed prekindergarten program with local health services and social services.

(2) Take into consideration the requirements of section 6 of this chapter.

Sec. 5. A prekindergarten program that is part of the pilot program and is funded by a grant under this chapter:

(1) may serve only prekindergarten students who are at least four (4) years of age on September 1 of the school year; and

(2) may be a half-day or full-day program.

**Sec. 6. The department shall:**

- (1) select a representative sample of eligible providers, determined through an application procedure, to participate in the pilot program;
- (2) give priority to the selection of:
  - (A) lower performing school corporations; and
  - (B) private providers of prekindergarten programs located in areas served by lower performing school corporations; and
- (3) to the extent possible, select eligible providers so that the pilot program will:
  - (A) achieve a geographic balance throughout Indiana;
  - (B) include urban, suburban, and rural eligible providers; and
  - (C) include both public eligible providers and private eligible providers.

**Sec. 7.** Subject to the approval of the department, an eligible provider participating in the pilot program may enter into a contract with an individual or a nonprofit entity for the operation and management of all or any part of a prekindergarten program funded by a grant under this chapter.

**Sec. 8.** Unexpended money appropriated to the department for the department's use in implementing the pilot program at the end of a state fiscal year does not revert to the state general fund but remains available to the department for the department's continued use under this chapter.

**Sec. 9.** The department shall adopt rules under IC 4-22-2 to implement this chapter. The rules must include the following:

- (1) Minimum requirements concerning the prekindergarten curriculum that must be used by an eligible provider participating in the pilot program. The prekindergarten curriculum must be consistent with the Foundations to the Indiana Academic Standards for Young Children (or successor standards adopted by the department of education).
- (2) The maximum class size of a prekindergarten program funded by a grant under this chapter.
- (3) A requirement that each class in a prekindergarten program funded by a grant under this chapter must be taught by a teacher who has any of the following:
  - (A) A prekindergarten teacher's license.
  - (B) An early childhood education teacher's license.
  - (C) A degree in early childhood education, child development, elementary education, or early childhood special education.

**Sec. 10. (a)** Each eligible provider that participates in the pilot program shall annually prepare a written report detailing all the pertinent information concerning the implementation of the pilot program, including any recommendations made and conclusions drawn from the pilot program. The eligible provider must submit the report to the department before July 1 of each year.

**(b)** Before November 1 of each year, the department shall submit a report to the governor and the general assembly on the pilot program. The report must include the following:

- (1) Any conclusions and recommendations made by the department concerning prekindergarten programs.
- (2) Information concerning the cost of expanding the pilot program statewide.
- (3) A description of any social programs or health programs that could be provided efficiently with prekindergarten programs.

A report submitted under this subsection to the general assembly must be in an electronic format under IC 5-14-6.

**(c)** The department shall monitor the performance of students who participate in the pilot program as those

students continue their education in elementary school.

**Sec. 11.** This chapter expires July 1, 2014.

SECTION 81. IC 20-23-14.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 14.5. Election of Governing Body Members in Mishawaka**

**Sec. 1.** In a school city established under IC 20-23-4 located in a city having a population of more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000), if a majority of the voters voting in the municipal election held on November 6, 2007, vote in favor of an elected school board, the governing body consists of a board of trustees of seven (7) members elected in the manner provided in this chapter.

**Sec. 2. (a)** For purposes of this section, a reference to a common council district of the city is a reference to the district as it existed on January 1, 2007.

**(b)** The city is divided into the following three (3) districts:

- (1) District One consists of the first district of the common council and the second district of the common council.
- (2) District Two consists of the third district of the common council and the fourth district of the common council.
- (3) District Three consists of the fifth district of the common council and the sixth district of the common council.

**Sec. 3.** As used in this chapter, "district" refers to a district of the governing body established by section 2(b) of this chapter.

**Sec. 4.** Beginning with the general election held in November 2008, and every four (4) years thereafter, three (3) members of the governing body shall be elected by voters of the districts as provided in this chapter. The candidate who receives the greatest number of votes among all candidates for a district seat is elected.

**Sec. 5. (a)** Beginning with the general election held in November 2008, and every four (4) years thereafter, one (1) member of the governing body shall be elected by all the voters of the school city as provided in this chapter. The candidate who receives the greatest number of votes among all candidates for an at-large seat is elected.

**(b)** Beginning with the general election held in November 2010, and every four (4) years thereafter, three (3) members of the governing body shall be elected by all the voters of the school city as provided in this chapter. The three (3) candidates who receive the greatest number of votes among all candidates for an at-large seat are elected.

**Sec. 6.** Except as provided in this chapter, IC 3 applies to an election held under this chapter.

**Sec. 7.** The circuit court clerk shall prepare a separate ballot to be used for governing body elections. Candidates shall appear on the ballot in alphabetical order.

**Sec. 8. (a)** The term of a member of the governing body is four (4) years, beginning on January 1 following the member's election.

**(b)** A member may be reelected."

Page 137, line 24, strike "SEVEN" and insert "TWO".

Page 137, lines 31, strike "The data to be used in making the calculations under STEP ONE".

Page 137, line 32, strike "must be the data from the 2000 federal decennial census."

Page 139, line 3, delete "greater" and insert "less".

Page 157, line 41, after "transfer," insert "Notwithstanding any other law, no transfer to the counter-cyclical revenue and economic stabilization fund from any other fund may be made before July 1, 2009."

Page 157, line 42, strike "2007." and insert "2009."

Page 161, line 40, delete "Indiana arts commission" and insert

"department of natural resources and the department of agriculture".

Page 162, line 35, delete "\$2,250,000" and insert "\$1,250,000 for the biennium".

Page 163, line 13, delete "\$19,000,000" and insert "\$27,000,000".

Page 163, between lines 19 and 20, begin a new line and insert:

**"Indiana State University - Life Sciences/Chemistry  
Laboratory Renovations 14,800,000  
Ball State University-Central Campus  
Academic Project 30,000,000".**

Page 164, line 7, after "public." insert "The foregoing project is eligible for fee replacement appropriations beginning after June 30, 2009".

Page 165, line 9, after "that" insert "are part of the total county tax levy (as defined in IC 6-1.1-21-2) and".

Page 165, line 9, after "2008" insert "and 2009".

Page 165, line 10, delete "." and insert "for the particular year".

Page 165, line 11, after "2008," insert "and March 1, 2009,".

Page 165, line 12, after "a county" insert "fifty percent (50%) of".

Page 165, line 24, delete "2007." and insert "2008".

Page 166, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 170. [EFFECTIVE JULY 1, 2007] (a) This SECTION applies only if a majority of the voters voting in the municipal election referred to in IC 20-23-14.5-1, as added by this act, vote in favor of an elected school board.

(b) As used in this SECTION, "governing body" refers to the governing body of the school city.

(c) As used in this SECTION, "school city" refers to a school city described in IC 20-23-14.5-1, as added by this act.

(d) Notwithstanding any other law, the term of a member of the governing body serving on June 30, 2008, expires January 1, 2009.

(e) Notwithstanding 20-23-14.5-5, as added by this act, all at-large members of the governing body shall be elected at the November 2008 general election. Notwithstanding IC 20-23-14.5-8, as added by this act, the term of each of the three (3) at-large members of the governing body elected who receive the fewest number of votes among the at-large members elected expires January 1, 2011. The successors of these members shall be elected at the November 2010 general election and serve a four (4) year term as provided in IC 20-23-14.5-8, as added by this act.

(f) This SECTION expires January 1, 2015.

SECTION 171. [EFFECTIVE JULY 1, 2007] (a) The circuit court clerk of St. Joseph County shall cause the following public question to be placed on the ballot in the school city of Mishawaka at the municipal election held on November 6, 2007:

"Shall the board of trustees of the school city of Mishawaka be elected, beginning with the November 6, 2008, general election?".

(b) IC 3 governs this SECTION.

(c) This SECTION expires January 1, 2009.

SECTION. 172. [EFFECTIVE JULY 1, 2007] (a) The purpose of this SECTION is to eliminate the accrued payment delay balances to state educational institutions and IHETS and the Indiana commission for higher education that were created because of the distribution of eleven-twelfths (11/12) of the budgeted amount in the state fiscal year ending June 30, 2002, and a continuation of the practice of delayed payments in subsequent state fiscal years through the state fiscal year ending June 30, 2005.

(b) The following definitions apply throughout this section:

(1) "IHETS" refers to the Indiana higher education telecommunications system.

(2) "State educational institution" has the meaning set forth in IC 20-12-0.5-1.

(c) There is appropriated to the budget agency sixty-two million, fifty-six thousand, eight hundred fifty-four dollars (\$62,056,854) from the state general fund for its use for general repair and rehabilitation or for repair and rehabilitation of dormitories or other student housing of state educational institutions, beginning July 1, 2007, and ending June 30, 2009 as follows:

<b>INDIANA UNIVERSITY - TOTAL SYSTEM</b>	
General Repair and Rehab	24,343,840
<b>PURDUE UNIVERSITY - TOTAL SYSTEM</b>	
General Repair and Rehab	17,189,072
<b>INDIANA STATE UNIVERSITY</b>	
General Repair and Rehab	4,304,740
<b>UNIVERSITY OF SOUTHERN INDIANA</b>	
General Repair and Rehab	1,612,030
<b>BALL STATE UNIVERSITY</b>	
General Repair and Rehab	6,678,810
<b>VINCENNES UNIVERSITY</b>	
General Repair and Rehab	1,804,222
<b>IVY TECH COMMUNITY COLLEGE</b>	
General Repair and Rehab	6,124,142

(d) Notwithstanding P.L.246-2005, SECTION 32, the budget agency shall distribute to a state educational institution after June 30, 2007, and before July 1, 2009, the amount appropriated to the state educational institution under subsection (c). The distributions under subsection (c) shall be made as follows:

(1) Fifty percent (50%) of the distributions shall be made in one (1) or more installments after June 30, 2007, and before July 1, 2008, on the schedule determined by the budget agency after review of the schedule by the budget committee.

(2) Fifty percent (50%) of the distributions shall be made in one (1) or more installments after June 30, 2008, and before July 1, 2009, on the schedule determined by the budget agency after review of the schedule by the budget committee.

(3) Each distribution shall be separately allotted.

(e) An appropriation under subsection (c) is in addition to the appropriations for general repair and rehabilitation made in P.L.246-2005, SECTION 32, or any other law. Notwithstanding any other law, an appropriation under subsection (c) does not revert to the general fund under IC 4-13-2-19.

(f) The amount appropriated under subsection (c), when distributed to a state educational institution, shall be treated as reducing any claim that the total system of the state educational institution has to one-twelfth (1/12) of the amount budgeted for the state educational institution in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005. Subject to subsection (g), the amount of the claim reduction for each state educational institution is equal to the amount distributed to the state educational institution. The amount of the claim reduction for the entire system, and the amount apportioned for each institution individually, shall be computed by the budget agency. The budget agency makes the final determination.

(g) An amount appropriated under subsection (c), when distributed to Indiana University, shall be treated as reducing any claim that IHETS has to one-twelfth (1/12) of the amount budgeted for IHETS in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005. The amount of the claim reduction is a part of the amount distributed to Indiana University - Total System apportioned as determined by the budget agency.

(h) Amounts appropriated under subsection (c) shall be

treated as reducing any claim to zero dollars (\$0) that the Indiana commission for higher education has to one-twelfth (1/12) of the amount budgeted for the Indiana commission for higher education in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005.

SECTION 173. [EFFECTIVE JULY 1, 2007] There is appropriated from the state general fund to Ivy Tech Community College one million six hundred thousand dollars (\$1,600,000) for the purpose of making lease payments for the Portage Campus beginning July 1, 2008, and ending June 30, 2009. Any unencumbered amount from the appropriation under this SECTION remaining at the end of a state fiscal year does not revert to the state general fund but remains available for the purposes of the appropriation in subsequent state fiscal years."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2007.)

CRAWFORD

#### HOUSE MOTION

Mr. Speaker: I move that Representative Crawford's motion (1001-24) be amended to remove the language concerning the Mishawaka school board.

MOSES

After discussion, Representative Moses withdrew his motion.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Crawford's motion (1001-24) be amended to include an appropriation of \$40,000 from the Build Indiana Fund to go to the Jay County Fair.

DAVIS

The Speaker ruled that Representative Davis' motion was out of order because it had not been timely filed pursuant to Rule 117.2.

The question then was on the motion of Representative Crawford (1001-24). Upon request of Representatives Bosma and Davis, the Speaker ordered the roll of the House to be called. Roll Call 198: yeas 49, nays 48. Motion prevailed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

#### HOUSE MOTION

(Amendment 1001-4)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 87, delete lines 34 through 38, begin a new line block indented and insert:

**"Augmentation from the state general fund allowed."**

Page 87, delete lines 40 through 49.

Page 88, delete lines 1 through 41.

Page 164, delete lines 25 through 48, begin a new paragraph and insert:

**"SECTION 163. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-1, IC 6-1.1-20.9, and IC 6-1.1-21 apply throughout this SECTION.**

**(b) A taxpayer that is eligible for a homestead credit under IC 6-1.1-20.9 in 2007 is eligible for a supplemental homestead credit under this SECTION in 2007. The amount of the supplemental homestead credit to which the taxpayer is entitled equals the product of:**

**(1) eleven percent (11%); multiplied by**

**(2) the amount of the individual's property tax liability (as defined in IC 6-1.1-21-5) that is:**

**(A) attributable to the homestead during the particular calendar year; and**

**(B) determined after the application of the property tax replacement credit under IC 6-1.1-21.**

(c) A county auditor:

(1) may apply the entire amount of the additional 2007 homestead credit equally to all installments of property taxes first due from the taxpayer in 2007; or

(2) if application of the credit to the first installment would delay the delivery of tax statements more than thirty (30) days after the date that the tax statements would otherwise be mailed or transmitted, may issue revised tax statements and apply the entire credit to the property tax due in a later installment.

IC 6-1.1-22.5-6 does not apply if the county auditor elects to proceed under subdivision (2). The department of local government finance may prescribe procedures to apply the additional 2007 homestead credit to tax statements. A county auditor shall comply with the procedures prescribed under this subsection.

(d) If a county implements this SECTION by mailing or transmitting a revised tax statement under subsection (c)(2), the county:

(1) shall prominently include an instruction in the tax statement or on a separate insert included with the tax statement that assists the recipient of the statement in discovering that the amount payable in the second installment is less than the amount specified in the previous tax statement sent to the recipient and alerts the recipient not to make a payment that exceeds the amount due; and

(2) is entitled to an additional distribution equal to one dollar (\$1) for each revised tax statement containing the statement described in subdivision (1) that is mailed or transmitted to a taxpayer or a mortgagee holding an escrow account for the taxpayer.

(e) The property tax replacement fund board shall provide for an additional distribution to taxing units from the property tax replacement fund to replace revenue lost to a county as the result of the granting of additional 2007 homestead credits and to reimburse counties for mailing or transmitting revised tax statements. The distribution shall be made before November 30, 2007, on the schedule determined by the property tax replacement fund board. A distribution described in this subsection is not subject to any law limiting the maximum amount that may be distributed under IC 6-1.1-21. The amount distributed under this subsection is not included in the amount used to determine the minimum amount that must be distributed or maximum distribution that may not be exceeded under IC 6-1.1-21.

(f) This SECTION expires January 1, 2008."

Page 165, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2007.)

TURNER

Upon request of Representatives Turner and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 199: yeas 48, nays 50. Motion failed.

#### HOUSE MOTION

(Amendment 1001-14)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 87, line 38, after "." insert **"However, augmentation allowed for the increased distributions permitted under IC 6-1.1-21-10, as amended by this act."**

Page 99, between lines 39 and 40, begin a new line block indented and insert:

**"G. REPAYMENT OF HIGHER EDUCATION PAYMENT DELAY**

**(a) The purpose of this section is to eliminate the accrued payment delay balances to state educational institutions and IHETS and the Indiana commission for higher education that were created because of the distribution of**

eleven-twelfths (11/12) of the budgeted amount in the state fiscal year ending June 30, 2002, and a continuation of the practice of delayed payments in subsequent state fiscal years through the state fiscal year ending June 30, 2005.

(b) The following definitions apply throughout this section:

(1) "IHETS" refers to the Indiana higher education telecommunications system.

(2) "State educational institution" has the meaning set forth in IC 20-12-0.5-1.

(c) There is appropriated to the budget agency sixty-two million fifty-six thousand eight hundred fifty-four dollars (\$62,056,854) from the state general fund for its use for general repair and rehabilitation or for repair and rehabilitation of dormitories or other student housing of state educational institutions, beginning July 1, 2007, and ending June 30, 2009, as follows:

<b>INDIANA UNIVERSITY - TOTAL SYSTEM</b>	
General Repair and Rehab	24,343,840
<b>PURDUE UNIVERSITY - TOTAL SYSTEM</b>	
General Repair and Rehab	17,189,072
<b>INDIANA STATE UNIVERSITY</b>	
General Repair and Rehab	4,304,740
<b>UNIVERSITY OF SOUTHERN INDIANA</b>	
General Repair and Rehab	1,612,030
<b>BALL STATE UNIVERSITY</b>	
General Repair and Rehab	6,678,810
<b>VINCENNES UNIVERSITY</b>	
General Repair and Rehab	1,804,222
<b>IVY TECH COMMUNITY COLLEGE</b>	
General Repair and Rehab	6,124,142

(d) Notwithstanding P.L.246-2005, SECTION 32, the budget agency shall distribute to a state educational institution after June 30, 2007, and before July 1, 2009, the amount appropriated to the state educational institution under subsection (c). The distributions under subsection (c):

(1) may be made in one (1) or more installments after June 30, 2007, and before July 1, 2009, on the schedule determined by the budget agency after review of the schedule by the budget committee; and

(2) shall be separately allotted.

(e) An appropriation under subsection (c) is in addition to the appropriations for general repair and rehabilitation made in P.L.246-2005, SECTION 32, or any other law. Notwithstanding any other law, an appropriation under subsection (c) does not revert to the general fund under IC 4-13-2-19.

(f) The amount appropriated under subsection (c), when distributed to a state educational institution, shall be treated as reducing any claim that the total system of the state educational institution has to one-twelfth (1/12) of the amount budgeted for the state educational institution in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005. Subject to subsection (g), the amount of the claim reduction for each state educational institution is equal to the amount distributed to the state educational institution. The amount of the claim reduction for the entire system, and the amount apportioned for each institution individually, shall be computed by the budget agency. The budget agency makes the final determination.

(g) An amount appropriated under subsection (c), when distributed to Indiana University, shall be treated as reducing any claim that IHETS has to one-twelfth (1/12) of the amount budgeted for IHETS in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005. The amount of the claim reduction is a part of the amount distributed to Indiana University - Total System apportioned as determined by the budget agency.

(h) Amounts appropriated under subsection (c) shall be treated as reducing any claim to zero dollars (\$0) that the Indiana commission for higher education has to one-twelfth

(1/12) of the amount budgeted for the Indiana commission for higher education in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005."

Page 121, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 53. IC 6-1.1-21-10, AS AMENDED BY P.L.159-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) There is established a property tax replacement fund board to consist of the commissioner of the department, the commissioner of the department of local government finance, the director of the budget agency, and two (2) ex officio nonvoting representatives of the general assembly of the state of Indiana. The speaker of the house of representatives shall appoint one (1) member of the house as one (1) of the ex officio nonvoting representatives, and the president pro tempore of the senate shall appoint one (1) senator as the other ex officio nonvoting representative, each to serve at the will of the appointing officer. The commissioner of the department shall be the chairman of the board, and the director of the budget agency shall be the secretary of the board.

(b) The schedule to be used in making distributions to county treasurers during the periods set forth in section 4(b) of this chapter is as follows:

January	0.00%
February	0.00%
March	16.70%
April	16.70%
May	<del>6.20%</del> 16.60%
June	0.00%
July	<del>10.40%</del> 0.00%
August	0.00%
September	16.70%
October	16.70%
November	16.60%
December	0.00%

The board may authorize the department to distribute the estimated distributions to counties earlier than what is required under section 4(b) of this chapter.

(c) The board is also authorized to transfer funds from the property tax replacement fund for the purpose of providing state tuition support distributions to school corporations as provided in IC 20-20-33 and IC 20-43."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2007.)

THOMPSON

Upon request of Representatives Thompson and Friend, the Speaker ordered the roll of the House to be called. Roll Call 200: yes 48, nays 50. Motion failed.

#### HOUSE MOTION (Amendment 1001-8)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 48, between lines 32 and 33, begin a new line and insert:  
"21ST CENTURY RESEARCH & TECHNOLOGY FUND

#### General Fund

Total Operating Expense 34,875,000 34,875,000  
TECHNOLOGY DEVELOPMENT GRANT PROGRAM

#### General Fund

Total Operating Expense 4,185,000 4,185,000".  
(Reference is to HB 1001 as printed February 19, 2007.)

BOSMA

Upon request of Representatives Bosma and Friend, the Speaker ordered the roll of the House to be called. Roll Call 201: yes 48, nays 50. Motion failed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION  
(Amendment 1001-1)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 166, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 166. [EFFECTIVE JULY 1, 2007] (a) There is appropriated to the Indiana economic development corporation one million dollars (\$1,000,000) from the state general fund for the period beginning July 1, 2007, and ending June 30, 2009, for its use in providing technical and financial assistance to small businesses (as defined in IC 4-22-2.1-4) that engage in global commerce.

(b) This SECTION expires June 30, 2009.

SECTION 167. [EFFECTIVE JULY 1, 2007] (a) There is appropriated to the Indiana economic development corporation one million dollars (\$1,000,000) from the state general fund for its use in assisting the Indiana small business development center in the operation of the small business development center network, for the period beginning July 1, 2007, and ending June 30, 2009.

(b) Money appropriated by this SECTION must be used for the specific purpose described in subsection (a). Money appropriated by this SECTION may not be used to pay the administrative expenses of the Indiana economic development corporation.

(c) This SECTION expires June 30, 2009."

Renummer all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2007.)

BORROR

Upon request of Representatives Borrer and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 202: yeas 90, nays 5. Motion prevailed.

HOUSE MOTION  
(Amendment 1001-15)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 131, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 79. IC 20-20-35 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 35. Education Block Grants**

**Sec. 1.** As used in this chapter, "baseline funding" refers to the amount from sources other than a block grant that was expended in the school year immediately preceding the current school year in which a school corporation or charter school applies for a block grant for a program covered by a block grant application. The term does not include the amount expended in the immediately preceding school year from a gift or state or federal grant that is not available for funding programs in the current calendar year unless the donor or grantor has provided an equivalent source of funding from another source.

**Sec. 2.** As used in this chapter, "block grant" refers to a grant under this chapter.

**Sec. 3.** As used in this chapter, "program" refers to a program or activity described in section 4 of this chapter.

**Sec. 4.** Subject to this chapter, in addition to other distributions to school corporations and charter schools, school corporations and charter schools are entitled to receive a block grant for expansion or enhancement of any combination of the following:

- (1) Alternative education.
- (2) Optional full-day kindergarten.
- (3) Summer school programs.
- (4) Remediation.

- (5) Reading improvement.
- (6) Gifted and talented programs.
- (7) Professional development.
- (8) Technology.
- (9) Textbooks.

**Sec. 5.** To qualify for a block grant, a school corporation or charter school must apply to the department for a block grant in the form and manner prescribed by the department. The application must be received by the department before October 1 in the school year in which the block grant will be used.

**Sec. 6.** An application for a block grant must include the following:

- (1) A description of each program that will be enhanced or expanded with the block grant.
- (2) A statement of the baseline funding level being provided for each program covered by the application.

**Sec. 7.** The department shall review and approve only grants that expand or enhance programs and do not replace baseline funding available to the school corporation or charter school for programs.

**Sec. 8. (a)** For the state fiscal year ending June 30, 2008, the maximum block grant that the department may award for a school year to a school corporation or charter school that does not use the entire block grant for expenditures directly related to providing optional full-day kindergarten is an amount equal to:

- (1) six hundred twenty-five dollars (\$625); multiplied by
- (2) the school corporation's or charter school's ADM for grade 1.

(b) For the state fiscal year ending June 30, 2009, the maximum block grant that the department may award for a school year to a school corporation or charter school that does not use the entire block grant for expenditures directly related to providing optional full-day kindergarten is an amount equal to:

- (1) one thousand two hundred fifty dollars (\$1,250); multiplied by
- (2) the school corporation's or charter school's ADM for grade 1.

**Sec. 9. (a)** For the state fiscal year ending June 30, 2008, the maximum block grant that the department may award for a school year to a school corporation or charter school that uses the entire block grant for expenditures directly related to providing optional full-day kindergarten is the sum of the following:

- (1) An amount equal to:
  - (A) six hundred twenty-five dollars (\$625); multiplied by
  - (B) the school corporation's or charter school's ADM for grade 1.
- (2) An amount equal to:
  - (A) six hundred twenty-five dollars (\$625); multiplied by
  - (B) the number of students in the school corporation or charter school who:
    - (i) are included in the school corporation's or charter school's ADM for grade 1; and
    - (ii) qualify for free or reduced price lunches.

(b) For the state fiscal year ending June 30, 2009, the maximum block grant that the department may award for a school year to a school corporation or charter school that uses the entire block grant for expenditures directly related to providing optional full-day kindergarten is the sum of the following:

- (1) An amount equal to:
  - (A) one thousand two hundred fifty dollars (\$1,250); multiplied by
  - (B) the school corporation's or charter school's ADM



for grade 1.

(2) An amount equal to:

(A) one thousand two hundred fifty dollars (\$1,250); multiplied by

(B) the number of students in the school corporation or charter school who:

(i) are included in the school corporation's or charter school's ADM for grade 1; and

(ii) qualify for free or reduced price lunches.

**Sec. 10. This chapter expires June 30, 2009."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2007.)

THOMPSON

Upon request of Representatives Thompson and Espich, the Speaker ordered the roll of the House to be called. Roll Call 203: yeas 47, nays 50. Motion failed.

#### HOUSE MOTION

(Amendment 1001-9)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 53, between lines 25 and 26, begin a new line and insert:

**"MAJOR MOVES CONSTRUCTION CONTRACTS**

**Major Moves Construction Fund (IC 8-14-14-5)**

**Total Operating Expense 471,121,779 661,404,989**

**Augmentation allowed."**

(Reference is to HB 1001 as printed February 19, 2007.)

BORROR

On the motion of Representative Ripley, the previous question was called. Upon request of Representatives Borrer and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 204: yeas 48, nays 49. Motion failed.

#### HOUSE MOTION

(Amendment 1001-21)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 166, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 166. IC 2-2.1-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

#### **Chapter 4. Budget Bills**

**Sec. 1.** As used in this chapter, "general appropriation" refers to an appropriation described in section 10 of this chapter.

**Sec. 2.** Except as provided in sections 4 and 5 of this chapter, all of the general appropriations enacted by the general assembly for a state fiscal year, including appropriations for a state fiscal year made by a continuing appropriation enacted in any law, are void if the total of the general appropriations for the state fiscal year exceeds ninety-nine percent (99%) of the state revenue that the budget agency estimates under section 6 of this chapter will be available in the state fiscal year to pay for the appropriations. This section applies to all the general appropriations enacted for a state fiscal year regardless of whether the appropriations were enacted in the same bill or in the same session of the general assembly.

**Sec. 3.** The general appropriations enacted in a budget bill (as defined in IC 4-12-1-2) are void if:

(1) the bill includes appropriations for a state fiscal year, including increases in the appropriations for a state fiscal year, that total at least one hundred million dollars (\$100,000,000); and

(2) the last version of the bill available to and voted on by each legislator or, if a later conference committee report was adopted for the bill, the last conference committee report available to and adopted by each legislator does not include the following information on

the first or second page of the bill or in the bill's digest or synopsis:

(A) A materially accurate and complete explanation indicating the dollar amount of the surplus or deficit resulting from subtracting the total of all general appropriations made for each state fiscal year affected by the bill or the bill's conference committee report from the estimate of state revenue for that state fiscal year.

(B) A materially accurate and complete explanation indicating the percentage of the state revenue for each state fiscal year affected by the bill or the bill's conference committee report that is appropriated for general appropriations payable in that state fiscal year.

**Sec. 4.** Sections 2 and 3 of this chapter do not void an appropriation for a purpose described in IC 4-10-15 for which expenditures may be made without the enactment of an appropriation.

**Sec. 5.** (a) An appropriation that otherwise must be considered in complying with section 2 or 3 of this chapter shall be excluded from all computations related to determining compliance with section 2 or 3 of this chapter only if:

(1) the general assembly, in a regular session, authorizes an emergency appropriation by enacting a supplemental appropriations act that contains all the statements described in subsection (b); and

(2) the act is approved by a two-thirds (2/3) majority of the house of representatives and a two-thirds (2/3) majority of the senate.

(b) To satisfy subsection (a)(1), an act must contain the following:

(1) A statement describing which appropriations in the act are excluded from the application of sections 2 and 3 of this chapter.

(2) A description of the additional amount of emergency appropriations and an explanation of the specific circumstances that created the need for a supplemental appropriation.

**Sec. 6.** (a) For each state fiscal year, the budget agency shall compute an estimate of state revenue using the formula established in section 7 of this chapter. An estimate for the two (2) years of a biennial budget period shall be computed before December 31 of the even-numbered year immediately preceding the beginning of each budget period. The first estimate required under this subsection is the estimate for the budget period beginning July 1, 2009, which shall be computed before December 31, 2008.

(b) For the second state fiscal year in a budget period, the budget agency shall revise the estimate of state revenue using the formula established in section 7 of this chapter. The revision of the estimate for the second year of a budget period shall be prepared before December 31 of the odd-numbered year immediately preceding the second state fiscal year in the budget period. The first revision required under this subsection is the revision for the second year of the budget period beginning July 1, 2009, which shall be computed before December 31, 2009.

(c) The budget agency may revise an estimate calculated under subsection (a) or a revised estimate calculated under subsection (b) after the estimate is distributed. A revision under this subsection must be prepared not later than fifteen (15) days before either chamber of the general assembly adjourns a session sine die.

(d) The last estimate computed under this section and distributed under section 8 of this chapter before the adjournment of a session sine die applies to all appropriations enacted before the end of that session.

(e) The last estimate computed under this section and

distributed under section 8 of this chapter before a version of a bill or a later conference committee report for a bill is printed applies to all appropriations affected by that version of a bill or a bill's conference committee report.

Sec. 7. The estimated state revenue for a state fiscal year is the amount determined under STEP THREE of the following formula:

**STEP ONE:** Determine the general revenues available for the state fiscal year, which is equal to the estimated revenues from all sources that are:

- (A) forecast by the revenue forecast technical committee to be received in the immediately following budget period; and
- (B) required by law to be deposited in the state general fund or the property tax replacement fund; including revenues from gross retail taxes, utility receipts taxes, adjusted gross income taxes, cigarette taxes, taxes on alcoholic beverages, riverboat wagering taxes, riverboat admissions taxes, inheritance taxes, insurance premium taxes, financial institution taxes, interest, and other miscellaneous income other than revenues described in section 10 STEP TWO of this chapter.

**STEP TWO:** Determine the total of net adjustments to be made to the general revenues for the state fiscal year, which is the amount determined under clause (I) of the following formula:

- (A) Determine the disproportionate share and enhanced disproportionate share revenues that will be received by the state in the state fiscal year.
- (B) Determine the interfund transfers to be made from the build Indiana fund to the state general fund or the property tax replacement fund in the state fiscal year.
- (C) Determine the interfund transfers to be made from the counter-cyclical revenue and economic stabilization fund to the state general fund or the property tax replacement fund in the state fiscal year.
- (D) Determine the sum of the amounts determined under clauses (A) through (C).
- (E) Determine the interfund transfers to be made from the state general fund or the property tax replacement fund to the build Indiana fund in the state fiscal year.
- (F) Determine the interfund transfers to be made from the state general fund or the property tax replacement fund to the counter-cyclical revenue and economic stabilization fund in the state fiscal year.
- (G) Determine the amount included in the amount determined under STEP ONE that results from any of the following:

- (i) An extraordinary nonrecurring transfer into the state general fund or the property tax replacement fund from a source other than the state general fund or the property tax replacement fund. For purposes of this item, generally accepted accounting principles apply in determining whether a transfer qualifies as extraordinary.
- (ii) A distribution from the federal government that may be expended without an appropriation by the general assembly, other than a distribution described in clause (A).

(H) Determine the sum of the amounts determined under clauses (E) through (G).

(I) Subtract the amount determined under clause (H) from the amount determined under clause (D).

**STEP THREE:** If:

- (A) the STEP TWO amount is zero dollars (\$0), the

estimated state revenues for the state fiscal year is the STEP ONE amount;

(B) the STEP TWO amount is greater than zero dollars (\$0), the estimated state revenues for the state fiscal year is the sum of the STEP ONE amount and the STEP TWO amount; and

(C) the STEP TWO amount is less than zero dollars (\$0), the estimated state revenues for the state fiscal year is the result of the STEP ONE amount minus the absolute value of the STEP TWO amount.

Sec. 8. (a) Not earlier than December 1 and not later than the first session day of the general assembly after December 31 of each even-numbered year, the budget agency shall submit in an electronic format under IC 5-14-6 to the executive director of the legislative services agency a report that includes at least the following information:

(1) The estimated state revenue for each of the state fiscal years in the immediately following biennial budget period.

(2) The supporting data and calculations necessary for a person to independently verify the manner in which the estimates of state revenue described in subdivision (1) were determined.

(b) Not earlier than December 1 and not later than the first session day of the general assembly after December 31 in each odd-numbered year, the budget agency shall submit in an electronic format under IC 5-14-6 to the executive director of the legislative services agency a report that includes at least the following information:

(1) The estimated state revenue for the second state fiscal year in the current budget period.

(2) The supporting data and calculations necessary for a person to independently verify the manner in which the estimate of state revenue described in subdivision (1) was determined.

(c) Not later than three (3) days (including Saturday, Sunday, or any holiday) after the budget agency revises an estimate of state revenue distributed under subsection (a) or (b), the budget agency shall submit in an electronic format under IC 5-14-6 to the executive director of the legislative services agency a report that includes at least the following information:

(1) The revised estimated state revenue for the state fiscal years affected by the report.

(2) The supporting data and calculations necessary for a person to independently verify the manner in which the revised estimates of state revenue described in subdivision (1) were determined.

Sec. 9. (a) The budget agency shall compute the dollar amount of the total of general appropriations from the state general fund and the property tax replacement fund for each state fiscal year for which an appropriation is made or being considered:

(1) each time that a bill or a bill's conference committee report described in section 3 of this chapter is being considered for final action by the house of representatives or the senate; and

(2) not later than thirty (30) days after the adjournment sine die of a session of the general assembly.

(b) While the general assembly is in session, reports, submitted in an electronic format under IC 5-14-6, containing at least the total dollar amount of general appropriations must be delivered to the executive director of the legislative services agency in a format and on a schedule that allows bills and conference committee reports described in section 3 of this chapter to be printed without delay with the information required under that section.

(c) Not later than thirty-five (35) days after a session of the general assembly adjourns sine die, a report, submitted in an electronic format under IC 5-14-6, containing at least the

total dollar amount of general appropriations must be delivered to the executive director of the legislative services agency. A report required by this subsection must be delivered not later than five (5) regular business days after it is computed.

**Sec. 10.** The total of general appropriations from the state general fund and the property tax replacement fund for a state fiscal year is equal to the amount determined under **STEP THREE** of the following formula:

**STEP ONE:** Determine the total amount that is authorized by appropriation for payment or transfer from the state general fund or the property tax replacement fund in the state fiscal year, regardless of the bill or session in which the appropriation is or is to be enacted.

**STEP TWO:** Determine the total amount included in the **STEP ONE** amount that is appropriated from the state general fund or the property tax replacement fund for:

- (A) settlements and judgments;
- (B) transfers between accounts in the state general fund, accounts in the property tax replacement fund, or the state general fund and the property tax replacement fund;
- (C) the distribution of tax refunds or refundable tax credits; or
- (D) any purpose to the extent that money described in section 7, **STEP TWO (G)(ii)** of this chapter (distribution from the federal government that may be expended without an appropriation) is to fund the appropriation.

**STEP THREE:** Subtract the **STEP TWO** amount from the **STEP ONE** amount.

**Sec. 11. (a)** The part of an appropriation that is an open ended appropriation exceeding a specific amount appropriated for a purpose is not to be considered in computing general appropriations under section 10 of this chapter.

**(b)** For purposes of section 10 of this chapter, a descriptive appropriation that does not authorize a specific amount for expenditure in a state fiscal year is to be estimated as the maximum amount that the budget agency estimates may be expended in the period for which the appropriation is made for purposes of the appropriation. For purposes of section 10 of this chapter, if the appropriation is made for a period exceeding one (1) state fiscal year and less than eleven (11) state fiscal years, the maximum allowable appropriation shall be apportioned among the state fiscal years by the same percentage. If the appropriation is made for more than ten (10) state fiscal years, the maximum allowable appropriation shall be apportioned by the same percentage over the initial ten (10) state fiscal years.

**(c)** For purposes of section 10 of this chapter, if an appropriation of a specific amount is made for a period exceeding one (1) state fiscal year, fifty percent (50%) of the appropriated amount is to be allocated as a general appropriation for each state fiscal year in a budget period.

**(d)** For purposes of section 10 of this chapter, language that only authorizes a person to issue bonds, enter into a loan agreement, enter into a lease, or enter into another agreement shall not be treated as an appropriation unless the general assembly otherwise appropriates money to pay for or to repay the authorized obligations.

**(e)** For purposes of complying with section 3 of this chapter but not section 2 of this chapter, only appropriations that:

- (1) have been enacted into law;
- (2) are contained in a bill or a bill's conference committee report in which appropriation surplus or deficit is to be printed;

(3) were previously passed by both houses of the general assembly in the same session as a bill or a bill's conference committee report in which appropriation surplus or deficit is to be printed; or

(4) are contained in any other bill that by rule of the house of representatives or the senate must be considered in complying with section 3 of this chapter; shall be considered in computing the total of general appropriations under section 10 of this chapter.

**SECTION 167. IC 4-10-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 15, 2007]:** Sec. 1. As used in this chapter:

"Adjusted personal income" for a particular calendar year means the adjusted state personal income for that year as determined under section 3(b) of this chapter.

"Annual growth rate" for a particular calendar year means the percentage change in adjusted personal income for the particular calendar year as determined under section 3(c) of this chapter.

"Budget director" refers to the director of the budget agency established under IC 4-12-1.

"Costs" means the cost of construction, equipment, land, property rights (including leasehold interests), easements, franchises, leases, financing charges, interest costs during and for a reasonable period after construction, architectural, engineering, legal, and other consulting or advisory services, plans, specifications, surveys, cost estimates, and other costs or expenses necessary or incident to the acquisition, development, construction, financing, and operating of an economic growth initiative.

"Current calendar year" means a calendar year during which a transfer to or from the fund is initially determined under sections 4 and 5 of this chapter.

"Economic growth initiative" means:

- (1) the construction, extension, or completion of sewerlines, waterlines, streets, sidewalks, bridges, roads, highways, public ways, and any other infrastructure improvements;
- (2) the leasing or purchase of land and any site improvements to land;
- (3) the construction, leasing, or purchase of buildings or other structures;
- (4) the rehabilitation, renovation, or enlargement of buildings or other structures;
- (5) the leasing or purchase of machinery, equipment, or furnishings; or
- (6) the training or retraining of employees whose jobs will be created or retained as a result of the initiative.

"Fund" means the counter-cyclical revenue and economic stabilization fund established under this chapter.

"General fund revenue" means all general purpose tax revenue and other unrestricted general purpose revenue of the state, including federal revenue sharing monies, credited to the:

- (1) state general fund; or
- (2) **property tax replacement fund;**

and from which appropriations may be made. The term "general fund revenue" does not include revenue held in the reserve for tuition support under IC 4-12-1-12.

"Implicit price deflator for the gross national product" means the implicit price deflator for the gross national product, or its closest equivalent, which is available from the United States Bureau of Economic Analysis.

"Political subdivision" has the meaning set forth in IC 36-1-2-13.

"Qualified economic growth initiative" means an economic growth initiative that is:

- (1) proposed by or on behalf of a political subdivision to promote economic growth, including the creation or retention of jobs or the infrastructure necessary to create or retain jobs;

(2) supported by a financing plan by or on behalf of the political subdivision in an amount at least equal to the proposed amount of the grant under section 15 of this chapter; and

(3) estimated to cost not less than twelve million five hundred thousand dollars (\$12,500,000).

"State personal income" means state personal income as that term is defined by the Bureau of Economic Analysis of the United States Department of Commerce or its successor agency.

"Total state general fund revenue" for a particular state fiscal year means the amount of that revenue for the particular state fiscal year as finally determined by the auditor of state.

"Transfer payments" means transfer payments as that term is defined by the Bureau of Economic Analysis of the United States Department of Commerce or its successor agency.

SECTION 168. IC 4-10-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) If the annual growth rate for the calendar year preceding the current calendar year exceeds two percent (2%), there is appropriated to the fund from the state general fund, for the state fiscal year beginning in the current calendar year, an amount equal to the product of:

(1) the total state general fund revenues for the state fiscal year ending in the current calendar year; multiplied by

(2) the remainder of:

(A) the annual growth rate for the calendar year preceding the current calendar year; minus

(B) two percent (2%).

(b) If the annual growth rate for the calendar year immediately preceding the current calendar year is less than a negative two percent (-2%), there is appropriated from the fund to the state general fund **and the property tax replacement fund**, for the state fiscal year beginning in the current calendar year, an amount equal to the product of:

(1) the total state general fund revenues for the state fiscal year ending in the current calendar year; multiplied by

(2) negative one (-1); and further multiplied by

(3) the remainder of:

(A) the annual growth rate for the calendar year preceding the current calendar year; minus

(B) negative two percent (-2%).

**The amount appropriated to each fund is proportional to the amount needed to balance each fund as described in section 9 of this chapter.**

SECTION 169. IC 4-10-18-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As soon as the auditor of state makes a final determination of the amount of total state general fund revenues for a particular state fiscal year, ~~he~~ **the auditor** shall certify that amount to the budget director.

(b) As soon as possible after receiving the certification from the auditor of state under subsection (a), the budget director shall determine the amount, if any, that is appropriated into or out of the fund under section 4 of this chapter. If an appropriation is made into the fund under section 4 of this chapter, the budget director shall immediately certify that amount to the treasurer of state. If an appropriation is made out of the fund under section 4 of this chapter, the budget director shall certify to the treasurer of state an amount equal to the part of the appropriation, if any, by which the general fund general operating budget **and the noncapital budget payable from the property tax replacement fund** for the state fiscal year for which the appropriation is made, exceeds the budget director's estimate of the total general fund revenues for that same state fiscal year. The budget director shall make the certification or certifications of money to be transferred out of the fund at the time or times that ~~he~~ **the budget director** determines the general fund general operating budget **and the noncapital budget payable from the property tax replacement fund** would exceed the total estimated state general fund revenues.

(c) Immediately upon receiving a certification from the budget director under subsection (b), the auditor of state and treasurer of state shall make the appropriate transfer into or out of the fund.

(d) Any amount, which is appropriated out of the fund under section 4 of this chapter, but which has not been transferred out of the fund under this section at the end of the state fiscal year for which the appropriation is made, shall revert to the fund.

SECTION 170. IC 4-10-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 15, 2007]: Sec. 8. (a) Except as provided in subsection (b), if the balance, at the end of a state fiscal year, in the fund exceeds ~~seven ten percent (7%)~~ **(10%)** of the total state general fund revenues for that state fiscal year, the excess is appropriated from the fund to the property tax replacement fund established under IC 6-1.1-21. The auditor of state and the treasurer of state shall transfer the amount so appropriated from the fund to the property tax replacement fund during the immediately following state fiscal year.

(b) If an appropriation is made out of the fund under section 4 of this chapter for a state fiscal year during which a transfer is to be made from the fund to the property tax replacement fund, the amount of the appropriation made under subsection (a) shall be reduced by the amount of the appropriation made under section 4 of this chapter. However, the amount of the appropriation made under subsection (a) may not be reduced to less than zero (0).

SECTION 171. IC 4-10-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. If the total state general fund revenues for a state fiscal year, in which a transfer into the fund is made, are less than the level estimated in the budget report prepared in accord with IC 4-12-1-12(a) or (c) and the shortfall cannot be attributed to a statutory change in the tax rate, the tax base, the fee schedules, or the revenue sources from which the general fund revenue estimate was made, there is appropriated from the fund to the state general fund an amount that may not exceed the lesser of the following two (2) amounts:

(1) the amount that was transferred into the fund during that state fiscal year; or

(2) the amount necessary to balance the general fund general operating budget **and the noncapital budget payable from the property tax replacement fund** for that state fiscal year.

SECTION 172. IC 4-10-21-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.5. **As used in this chapter, "general expenditures" refers to an expenditure from the state general fund or the property tax replacement fund that is authorized by a general appropriation subject to IC 2-2.1-4, other than any part of an appropriation excluded under IC 2-2.1-4-5.**

SECTION 173. IC 4-10-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "state spending cap" refers:

**(1) for state fiscal years ending before July 1, 2009, to the state spending cap determined under section 2 of this chapter; and**

**(2) for state fiscal years beginning after June 30, 2009, to the maximum amount that may be appropriated for general appropriations in a state fiscal year under IC 2-2.1-4.**

SECTION 174. IC 4-10-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. ~~(a) For the state fiscal year beginning July 1, 2003, and ending June 30, 2004, the state spending cap is equal to the result determined under STEP THREE of the following formula:~~

**STEP ONE: Determine the sum of the total of the appropriations made from the state general fund and the property tax replacement fund (including continuing appropriations) for the state fiscal year beginning July 1, 2002, and ending June 30, 2003:**

**STEP TWO:** Subtract from the **STEP ONE** result two hundred forty-three million dollars (\$243,000,000), which is the amount of certain reversions made by state agencies. **STEP THREE:** Multiply the **STEP TWO** result by one and thirty-five thousandths (1.035).

(b) For the state fiscal year beginning July 1, 2004, and ending June 30, 2005, the state spending cap is equal to the product of the result determined under subsection (a) multiplied by one and thirty-five thousandths (1.035).

(c) (a) The state spending cap for a state fiscal year beginning after June 30, 2005, is equal to the product of the state spending growth quotient for the state fiscal year determined under section 3 of this chapter multiplied by the state spending cap for the immediately preceding state fiscal year.

(d) (b) The state spending cap imposed under this section is increased in the initial state fiscal year in which the state receives additional revenue for deposit in the state general fund or property tax replacement fund as a result of the enactment of a law that:

- (1) establishes a new tax or fee after June 30, 2002;
- (2) increases the rate of a previously enacted tax or fee after June 30, 2002; or
- (3) reduces or eliminates an exemption, a deduction, or a credit against a previously enacted tax or fee after June 30, 2002.

The amount of the increase is equal to the average revenue that the budget agency estimates will be raised by the legislative action in the initial two (2) full state fiscal years in which the legislative change is in effect.

(e) (c) The state spending cap imposed under this section is decreased in the initial state fiscal year in which the state is affected by a decrease in revenue deposited in the state general fund or property tax replacement fund as the result of the enactment of a law that:

- (1) eliminates a tax or fee after June 30, 2002;
- (2) eliminates any part of a tax rate or fee after June 30, 2002; or
- (3) establishes or increases an exemption, a deduction, or a credit against a tax or fee after June 30, 2002.

The amount of the decrease is equal to the average revenue that the budget agency estimates will be lost as a result of the legislative action in the initial two (2) full state fiscal years in which the legislative change is in effect.

**(d) This section expires July 1, 2009.**

SECTION 175. IC 4-10-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The maximum total amount that may be expended in a state fiscal year from the state general fund, the property tax replacement fund, and the counter-cyclical revenue and economic stabilization fund is the least of the following:

- (1) Subject to sections 6 and 7 of this chapter, the state spending cap for the state fiscal year.
- (2) The amount appropriated by the general assembly from the state general fund, the property tax replacement fund, and the counter-cyclical revenue and economic stabilization fund.
- (3) The amount of money available in the state general fund, the property tax replacement fund, and the counter-cyclical revenue and economic stabilization fund to pay expenditures.

(b) Subject to sections 6 and 7 of this chapter, if the state spending cap for the state fiscal year is less than the amount appropriated by the general assembly in the state fiscal year from the state general fund, the property tax replacement fund, and the counter-cyclical revenue and economic stabilization fund, the budget agency shall reduce the amounts available for expenditure from the state general fund, the property tax replacement fund, and the counter-cyclical revenue and economic stabilization fund in the state fiscal year by using the procedures in IC 4-13-2-18.

**(c) This section expires July 1, 2009.**

SECTION 176. IC 4-10-21-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.1. (a) After June 30, 2009, the maximum total amount that may be expended for general expenditures in a state fiscal year may not exceed the maximum allowable expenditure imposed under this chapter and the maximum allowable appropriation under IC 2-2.1-4.

(b) If the state spending cap for the state fiscal year is less than the amount appropriated by the general assembly for general expenditures in the state fiscal year, when all open ended appropriations and nonspecific descriptive appropriations are considered, the budget agency shall reduce the amounts available for general expenditures to avoid a total amount of general expenditures that exceeds the state spending cap by using the procedures set forth in IC 4-13-2-18.

SECTION 177. IC 4-10-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The following expenditures that would otherwise be subject to this chapter shall be excluded from all computations and determinations related to a state spending cap:

(1) Expenditures derived from money deposited in the state general fund, the property tax replacement fund, and the counter-cyclical revenue and economic stabilization fund from any of the following:

- (A) Gifts.
- (B) Federal funds.
- (C) Dedicated funds.
- (D) Intergovernmental transfers.
- (E) Damage awards.
- (F) Property sales.

(2) Expenditures for any of the following:

- (A) Transfers of money among the state general fund, the property tax replacement fund, and the counter-cyclical revenue and economic stabilization fund.
- (B) Reserve fund deposits.
- (C) Refunds of intergovernmental transfers.
- (D) Payment of judgments against the state and settlement payments made to avoid a judgment against the state, other than a judgment or settlement payment for failure to pay a contractual obligation or a personnel expenditure.
- (E) Distributions or allocations of state tax revenues to a unit of local government under IC 36-7-13, IC 36-7-26, IC 36-7-27, IC 36-7-31, or IC 36-7-31.3.
- (F) Motor vehicle excise tax replacement payments that are derived from amounts transferred to the state general fund from the lottery and gaming surplus account of the build Indiana fund.
- (G) Distributions of state tax revenues collected under IC 7.1 that are payable to cities and towns.

**(b) This section expires July 1, 2009.**

SECTION 178. IC 4-10-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) An appropriation otherwise subject to the state spending cap limitation imposed by section 5 of this chapter shall be treated as exempt from the state spending cap limitation only if the general assembly specifically exempts the appropriation from the state spending cap in clear and unambiguous language contained in the bill making the appropriation.

(b) The following language shall be treated as meeting the requirements of subsection (a):

"The general assembly waives the state spending cap limitation imposed by IC 4-10-21-5 for the state fiscal year beginning July 1, (insert the applicable year), and ending June 30, (insert the applicable year), for the following

appropriation: (insert the language of the appropriation). Notwithstanding IC 4-10-21-5(a)(1), the budget agency may allot appropriations for the appropriation without making any reduction under IC 4-10-21-5(b).".

(c) Language in a bill such as "Notwithstanding IC 4-10-21" or "IC 4-10-21 does not apply to this appropriation" shall not be treated as meeting the requirements of subsection (a). The budget agency may consider the language described in this subsection or other language that does not meet the requirements of subsection (a) only in determining which appropriations to make available for expenditure under section 5(b) of this chapter.

**(d) This section expires July 1, 2009.**

SECTION 179. IC 4-10-21-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Not earlier than December 1 and not later than the first session day of the general assembly after December 31 of each even-numbered year, the budget agency shall submit a report in an electronic format under IC 5-14-6 to the executive director of the legislative services agency that includes at least the following information:

(1) The state spending cap for each of the state fiscal years in the immediately following biennial budget period.

(2) The supporting data and calculations necessary for a person to independently verify the manner in which the state spending caps described in subdivision (1) were determined.

**(b) This section expires July 1, 2009.**

SECTION 180. IC 4-12-1-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8.5. (a) The statement required under section 9 of this chapter in the second part of a budget report (proposed anticipated income) must be based on a forecast that presents, to the best of the budget director's knowledge and belief, the expected income that will be available to meet the appropriations in:

(1) each state fiscal year in the budget period for which the budget report is prepared; and

(2) each calendar year containing any part of the budget period.

(b) The forecast prepared under this section shall be updated at least semiannually. During odd-numbered years, the forecast prepared under subsection (a) shall be updated before the last regular business day immediately preceding April 11 in the year.

(c) A forecast prepared under this section shall be expressed in specific monetary amounts as a single point estimate of forecasted income. The forecast must contain the information necessary to compute the expenditure limitations in IC 2-2.1-4. Due professional care must be used in preparing the forecast. The underlying assumptions used must provide a reasonably objective basis for the forecast and be appropriate for the circumstances. Significant underlying assumptions must be disclosed in the forecast report.

(d) The budget director shall submit a forecast prepared under this section, including each updated version of the forecast, in an electronic format under IC 5-14-6 to the executive director of the legislative services agency not later than two (2) regular business days after a forecast is completed.

SECTION 181. [EFFECTIVE JUNE 15, 2007] (a) IC 4-10-18-1, as amended by this act, applies to deposits in the counter-cyclical revenue and economic stabilization fund made after June 14, 2007.

(b) IC 4-10-18-4, IC 4-10-18-5, and IC 4-10-18-9, all as amended by this act, apply only to distributions from the counter-cyclical revenue and economic stabilization fund after June 30, 2007.

SECTION 182. [EFFECTIVE JUNE 15, 2007] IC 4-10-18-8, as amended by this act, applies to state fiscal years ending after June 30, 2007.

SECTION 183. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 4-10-21-3; IC 4-10-21-4".

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2007.)

TURNER

Upon request of Representatives Turner and Espich, the Speaker ordered the roll of the House to be called. Roll Call 205: yeas 48, nays 50. Motion failed.

HOUSE MOTION  
(Amendment 1001-18)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 124, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 60. IC 12-15-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A person who qualifies for Medicaid under IC 12-14-2-22(b) may not receive services under ~~section 4~~ of this chapter for more than twelve (12) months during the person's lifetime."

Page 157, line 28, after "2007]:" insert "IC 12-15-5-1; IC 12-15-5-6;"

Page 166, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 167. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(b) Before July 1, 2008, the office shall apply to the United States Department of Health and Human Services for an amendment or waiver to the state Medicaid plan to make any changes to the plan necessary to not exceed the Medicaid-current obligation appropriation.

(c) The office of Medicaid policy and planning may not implement any amendment or waiver to the state plan until the office files an affidavit with the governor attesting that the amendment or waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the amendment or waiver is approved.

(d) If the office receives an amendment or waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (c), the office shall implement the amendment or waiver not more than sixty (60) days after the governor receives the affidavit.

(e) Any amendments applied for under this SECTION must be allowable under federal law.

(f) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.

(g) This SECTION expires July 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2007.)

TURNER

After discussion, Representative Turner withdrew the motion.

HOUSE MOTION  
(Amendment 1001-6)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 87, line 32, delete "2,082,509,197 2,143,509,197" and insert "2,113,210,929 2,215,693,727".

(Reference is to HB 1001 as printed February 19, 2007.)

ESPICH

Upon request of Representatives Espich and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 206: yeas 47, nays 50. Motion failed. The bill was ordered engrossed.

**House Bill 1175**

Representative Dvorak called down House Bill 1175 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1231**

Representative Day called down House Bill 1231 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1231-1)

Mr. Speaker: I move that House Bill 1231 be amended to read as follows:

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 3. IC 36-1-6-2, AS AMENDED BY P.L.88-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS: Sec. 2. (a) If a condition violating an ordinance of a municipal corporation exists on real property, employees or contractors of a municipal corporation may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance. If the municipal corporation takes action to bring compliance, the expenses incurred by the municipal corporation to bring compliance constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the county recorder in which the property is located. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:

(1) ~~two thousand five hundred dollars (\$2,500)~~ **ten thousand dollars (\$10,000)** for real property that:

(A) contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or  
(B) is unimproved; or

(2) ~~ten thousand dollars (\$10,000)~~ **twenty thousand dollars (\$20,000)** for all other real property not described in subdivision (1).

(b) The municipal corporation may issue a bill to the owner of the real property for the costs incurred by the municipal corporation in bringing the property into compliance with the ordinance, including administrative costs and removal costs.

(c) A bill issued under subsection (b) is delinquent if the owner of the real property fails to pay the bill within thirty (30) days after the date of the issuance of the bill.

(d) Whenever a municipal corporation determines it necessary, the officer charged with the collection of fees and penalties for the municipal corporation shall prepare:

(1) a list of delinquent fees and penalties that are enforceable under this section, including:

(A) the name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent;  
(B) a description of the premises, as shown on the records of the county auditor; and  
(C) the amount of the delinquent fees and the penalty; or

(2) an instrument for each lot or parcel of real property on which the fees are delinquent.

(e) The officer shall record a copy of each list or each instrument with the county recorder, who shall charge a fee for recording the list or instrument under the fee schedule established in IC 36-2-7-10.

(f) The amount of a lien shall be placed on the tax duplicate by the auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are

collected and shall be disbursed to the general fund of the municipal corporation.

(g) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the municipal corporation shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be considered a bad debt loss.

(h) The municipal corporation shall release:

(1) liens filed with the county recorder after the recorded date of conveyance of the property; and

(2) delinquent fees incurred by the seller;

upon receipt of a written demand from the purchaser or a representative of the title insurance company or the title insurance company's agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.

(i) The county auditor shall remove the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner upon receipt of a copy of the written demand under subsection (h)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1231 as printed February 16, 2007.)

LEONARD

Motion prevailed.

HOUSE MOTION  
(Amendment 1231-2)

Mr. Speaker: I move that House Bill 1231 be amended to read as follows:

Page 2, line 6, delete "a".

Page 2, line 7, delete "statement is attached to".

Page 2, line 7, delete "that"

Page 2, line 9, delete "." and insert "**after the person's name.**".

Page 2, delete lines 10 through 24.

Renumber all SECTIONS consecutively.

(Reference is to HB 1231 as printed February 16, 2007.)

DAY

Motion prevailed. The bill was ordered engrossed.

With consent of the members, the Speaker returned to bills on third reading.

**ENGROSSED HOUSE BILLS  
ON THIRD READING**

**Engrossed House Bill 1197**

Representative Pflum called down Engrossed House Bill 1197 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 207: yeas 62, nays 36. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Gard.

**OTHER BUSINESS ON THE SPEAKER'S TABLE****Rule Suspension**

The Speaker announced that, with the consent of the members, Rule 117.2 concerning the deadline for filing amendments would be suspended for Thursday, February 22 to allow amendments to be filed one hour prior to convening of the session rather than two hours.

**PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1287, Roll Call 182, on February 21, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 182 to 88 yeas, 0 nays.*]

**PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1373, Roll Call 191, on February 21, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 191 to 92 yeas, 2 nays.*]

**PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1376, Roll Call 192, on February 21, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yeas."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 192 to 86 yeas, 9 nays.*]

**PETITION TO CHANGE VOTING RECORD**

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1381, Roll Call 193, on February 21, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 193 to 94 yeas, 0 nays.*]

**HOUSE MOTION**

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1065.

MICON

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representatives Bardon and Day be added as coauthors of House Bill 1083.

ORENTLICHER

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1299.

BISCHOFF

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1312.

AUSTIN

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representatives Bardon and Moses be added as coauthors of House Bill 1525.

MURPHY

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representatives Ruppel and Goodin be added as coauthors of House Bill 1657.

DENBO

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Crouch, GiaQuinta, and Bischoff be added as coauthors of House Bill 1659.

AUSTIN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

On the motion of Representative C. Brown, the House adjourned at 7:10 p.m., this twenty-first day of February, 2007, until Thursday, February 22, 2007, at 9:00 a.m.

B. PATRICK BAUER  
Speaker of the House of Representatives

CLINTON McKAY  
Principal Clerk of the House of Representatives